

commencement of any special session held pursuant to such order.”.

(d) UNITED STATES MAGISTRATE JUDGES.—Section 636 of title 28, United States Code, is amended in subsection (a) by striking “territorial jurisdiction prescribed by his appointment—” and inserting “district in which sessions are held by the court that appointed the magistrate judge, at other places where that court may function, and elsewhere as authorized by law—”.

Mr. FRIST. Mr. President, for the information of colleagues, the bills, as stated, S. 1634 and H.R. 3650, are to address the issue of responding to the emergency of the national disaster which has occurred and in some ways is ongoing in the Gulf States. This allows our Federal court system to continue its operation. This legislation requires it to do so. This likely will be among a series of bills we will address over the coming days and weeks that respond to the disaster itself and to service the victims of that disaster, the people who are still in that coastal area of Louisiana and Mississippi and Alabama, to the victims who have been displaced, and to help volunteers and those people who are pitching in around the country, both government and private sector, as we come together to respond to this disaster that may well be the largest natural disaster we have seen in the last 100 years.

The pending legislation is the Commerce, Science, and Justice appropriations bill. In this bill, as has been discussed, are a number of provisions related to Katrina and our response to Katrina, things such as the small business disaster loans.

We will be, in fact, on that bill shortly, and the chairman will be here. I encourage Members to come over and talk to the chairman and ranking member. We want to move expeditiously with this appropriations bill, in part, because it does have Katrina-related issues in it. I would love to be able to finish this bill this week, if at all possible.

Second, just for the information of our colleagues, the House will pass, at some point today or this afternoon, our second supplemental request to respond to this disaster. We have passed a \$10.5 billion bill in an urgent emergency session last Thursday night. The Senate addressed it. This will be a second supplemental. As most know, it is more than \$50 billion, a very large sum, but that is the appropriate sum, as a second phase, as determined by our appropriate personnel and staff.

The House will pass that later today. Once they pass that, it will come to the Senate either this afternoon or this evening. I want to make sure our members know we will have rollover votes today. It may well be tonight, but we need to pass the supplemental as soon as we possibly can.

Ms. MIKULSKI. Mr. President, this side of the aisle concurred when the majority leader offered the unanimous consent allowing the Federal court to do their business outside of their jurisdiction. It is the people's business. How

fitting we have the wheels of justice providing that flexibility. I am sure there will be other legislation; we hope it all goes as smoothly.

# MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006—Continued

Ms. MIKULSKI. For the Commerce, State, Justice appropriations, we are now waiting for the chairman to give his statement. We will correct some technical amendments. We are urging colleagues to come and offer amendments. We know of six on our side of the aisle. We are doing our best. We would like to be able to finish this bill today, but if we start offering amendments at sundown—sundown is a great cocktail party, but that is not a great way to do appropriations. So we really want to do this bill because it funds the FBI, it funds the Justice Department, it funds important help to the FEMA victims. We would like to move it along.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I first compliment my colleagues, Senator MIKULSKI and Senator SHELBY, for doing such a fine job and for the hard work they have done on a very important issue. I compliment my colleague and neighbor from Tennessee, Senator FRIST, for working so diligently to get the supplemental emergency appropriations bill over here so we can help our neighbors in the delta region, in the Midsouth, lower Midsouth region. And I again compliment my colleagues from the States of Mississippi and Alabama and Louisiana for their incredible passion and concern, as well as their hard work and their diligent efforts in responding to the needs of their constituency.

Sitting here on the Senate floor listening to my colleague from Louisiana, Senator LANDRIEU, I thought so desperately about some lessons I had learned growing up along the Mississippi River. My father was very emphatic about how important it is to not only have good neighbors but to be a good neighbor, how critically important it is that you have good neighbors that can help you raise your children, educate them, to help out with a cup of sugar or other needs you might have at the end of the month if you do not have enough, to make sure if you are trying to harvest your crops—as many of our farmers are right now—and you find out that to diligently get those crops

out of the field you may not have enough hands or equipment to do that, that you can look to your neighbor to help you do that and others things.

I think during times like these, as we look to our neighbors from Louisiana and Mississippi and Alabama and the needs they have, it is important for us—as we have been the recipient of their generosity and their camaraderie and fellowship—to understand how important it is for us, as neighbors, to be the good neighbor they have been to us and welcoming their constituency into our homes in Arkansas, to help provide them not only the necessities of life—the water, the food, the rest, the shelter, the clothes—they might need right now in such a difficult time but also to provide them the hug, the love, the comfort, the stability, the idea that we will be there with them, we will be there for them, as long as they need us.

That is why I come to the floor of the Senate today. As Senator FRIST has mentioned, bringing an emergency supplemental appropriations bill over is really critical. But as many of us know who have worked diligently on so many of the components of our Government—that provides assistance and aid as well as just everyday services to the people we represent—it is very important to enable these agencies, these providers of services the language and the ability to use these dollars as efficiently, as effectively, and as quickly as they possibly can be used in reaching the needs of our fellow Americans whose lives have been shattered.

## AMENDMENT NO. 1652

(Purpose: To provide for temporary medicaid disaster relief for survivors of Hurricane Katrina, and for other purposes)

Mr. President, I wanted to wait until the Senator from Alabama had come to offer an amendment, but I do rise today to offer an amendment to respond to the dire health care crisis that has been created by Hurricane Katrina.

Hurricane Katrina has created a crisis of epic proportions for our Nation but particularly in the Midsouth region. It is a humanitarian crisis for the people of Louisiana, Mississippi, and Alabama. It is a capacity crisis for hospitals, for clinics, and community health centers, for physicians and nursing homes that are bursting at the seams with a surge in demand for care, mostly emergency care, mostly dire care, that has been evidenced by not only those who have been victimized by the dangerous natural elements but also by those who have been removed at a moment's notice from their homes where they have left their insulin, perhaps, or their high blood pressure medicine or other things that allow them a quality of life and a sustainability of life on a day-to-day basis.

It is a fiscal crisis for the States directly affected as well as those which have welcomed the displaced survivors, including Arkansas, Florida, Oklahoma, Texas, and so many other States. When New York City faced a

similar set of crises after 9/11, the city turned to Medicaid, the Federal-State partnership of health care for the poor, to provide temporary coverage for victims of the tragedy. Our Nation's health care safety net met the needs of millions of New York families, ensuring them access to comprehensive health care services.

Current law restrictions on Medicaid eligibility impede our efforts to let Medicaid provide a safety net for Katrina's victims. Under current law, low-income individuals must be residents of a State in order to qualify for Medicaid coverage in that State. Once the individual is determined eligible and enrolled in Medicaid, Federal and State Governments share in the cost of purchasing medically necessary services from hospitals, clinics, and other providers. The amount the State pays varies from State to State—from 29 percent in Louisiana to 39 percent in Texas to 50 percent in the State of Virginia.

Katrina has displaced tens and perhaps hundreds of thousands of citizens of Louisiana, Mississippi, and Alabama who have lost everything and who will not be able to return to their homes until their communities are rebuilt. We are looking here to put into place some commonsense directives, some flexibility to allow these individuals to be able to access the kind of health care we in this Nation know they need and as Americans we want to provide.

These citizens cannot return to their homes and may not return to their homes for months, but under current Medicaid law, they are only eligible for benefits as residents of their home State. Under current law, Medicaid services can only be provided if the State puts up its own money for the match for the survivors, but the States directly affected by Katrina and those hosting the survivors will not be able to put up their match payments due to the fiscal crisis Katrina has created. This could put Medicaid coverage for our Nation's neediest individuals in jeopardy.

We want to prevent that from happening. We want to assure our providers and those in the communities who are there to wrap their arms around their fellow Americans—their neighbors, many of them to the south or to the east or wherever their neighbors from Louisiana, Alabama, and Mississippi have come from—that the Federal Government has the common sense and the wisdom to be able to provide these services with the flexibility and without the redtape that in many instances would cause providers to turn them away.

In the face of the public health, and State budget crises Katrina has created, current law is not plausible. If normal application procedures apply, the displaced survivors will face delays in establishing their eligibility for Medicaid. The providers serving them during these delays will not be reimbursed until after eligibility is estab-

lished and may not receive reimbursement for their services at all. And for many of us from States that already have a disproportionate share of low-income individuals who depend on Medicaid services, this could be detrimental to not just those who are surviving Katrina but those who are hosting those victims and those survivors as well. The host States could incur large, unexpected increases in their Medicaid costs at the same time their revenues are reduced by the economic dislocation caused by Katrina.

What we are looking for here is something very similar to what we did in New York—to try to provide that flexibility that is needed, streamlining those services, and, more importantly, making sure the paperwork is not the mountain of paperwork that so many are used to but that they are simplistic and something that can expedite getting the needs of these individuals met.

This is a critical issue that has to be addressed immediately. Our States and our fellow Americans deserve it. To address these crises, I have proposed the temporary disaster relief Medicaid amendment.

The amendment, just briefly, is as follows:

It would provide the Katrina survivors with health coverage through Medicaid wherever they find refuge. A simplified eligibility and enrollment process would be created for people from Federal disaster counties in Mississippi and Alabama and Federal disaster parishes in Louisiana. It would be extended to those who live in those States and who have lost their jobs since the Hurricane Katrina crisis has happened. This, again, is something very similar to what we did in New York after 9/11. Using what we have learned there, we want to expedite these services for the victims today.

We want to make it easy for health providers to care for Katrina survivors. Once enrolled, Katrina survivors who are in other States would receive Medicaid as though they were Medicaid enrollees in that very State. Medicaid would also temporarily finance people's private insurance if they have access to it. This means no new systems or rules for health care providers so they can again rest assured that they are providing these services and will still be able to maintain their wholeness in providing services to their own communities.

It would guarantee Federal funding for health care for Katrina survivors. The Federal Government would fully finance the cost of providing Medicaid to Katrina survivors in any State in which they are enrolled. Additionally, the scheduled decline in some States' Medicaid matching rate for fiscal year 2006 would be canceled.

Mr. President, you may be certainly well aware, as many of us are here in the Senate, that the Federal matching rate was due to change as of October 1 of this year. We want to make sure we extend, for those who are affected, the

current Federal matching rate in order to be able to maintain their wholeness and for those to be able to continue to offer their services, as a good neighbor wants to, to those victims of this crisis. This would continue for 6 months, with a possible extension for another 6 months if the need exists and continues.

It would also ensure a smooth transition to the Medicare drug benefit for Katrina survivors. In addition, parts of the implementation of the drug benefit would be delayed in States directly affected by the hurricane, along with their neighbors. Specifically, the transition of "dual eligibles" from Medicaid to Medicare—as well as the "clawback" payments, which we discussed at great length when we did the Medicare reform package—would be temporarily suspended to prevent survivors from losing their drug coverage. We have tried—and I know I have in my own home State, having supported the Medicare reform package—to make sure the information is out there for the elderly and the disabled and those who use Medicare as to what their opportunities and options are through Medicare, particularly the new Part D Medicare drug component.

For the low-income, there is an incredibly good component of the Medicare drug piece in the Medicare reform package. All of these are available, but they do have deadlines. They do have deadlines. The enrollment begins on November 15 of this year. Those who do not enroll in a drug plan by May 15, 2006, this coming spring, will see a premium penalty. Many of us have learned, as we have delved into Medicare over the years, that those others receive premium penalties if they don't sign up for Medicare on time. We want to make sure those kinds of penalties don't exist for victims who find themselves not only displaced from their families, their homes, their regular medical providers, but also all of their information, their documents, the kind of information and certainly the normalcy of life that allows one to go through that kind of paperwork and try to make the best decisions possible.

The requirement of proof of assets for the low-income drug benefit would be delayed. As we know, many of these individuals have no idea if their old job will be there; will there be a new job; how long it will take for these businesses to rebuild, to replenish, to be back in action. There are so many who are dealing with so much unknown. It is certainly our responsibility, not only as legislators but as fellow Americans, to recognize they need time. They need time and flexibility to work through these issues and to access the programs that we have very carefully designed to fit their needs.

The penalties for not immediately enrolling in Medicare and its drug program would also be temporarily suspended. Providing this assistance—certainly the dollars Senator FRIST spoke of, the ability to make sure that the

victims, our fellow Americans who have gone through such atrocities, and the health care providers in the communities who want to be there to serve them, making sure of the technical parts of this recovery—is our responsibility. I hope the managers of the bill will understand how important it is for us to move quickly to ensure that those who are providing the relief and those who are receiving it can take it with great comfort levels that they won't have to deal with the bureaucracy but that they will be dealing with a compassionate Federal Government that understands the necessity of making this process more streamlined and more accessible.

It is not only the right thing to do; it is what we must do to ensure that our Nation's safety net does not unravel in the face of this growing national emergency. We still have the precautions in here. We still have the fraud and abuse precautions that exist in our current law. We just want to make sure that our fellow man, our fellow Americans, in a time of dire need, as has been described eloquently by Senators from those States who have been there with these individuals, for those of us who are from States where they are coming, seeing these individuals coming in—we had a group come in through Fort Chaffee, AR, almost 10,000 evacuees processed in about a 12-hour period, all of whom came with what they had left in a plastic sack, perhaps, who had been sitting on buses for almost 2 days while people figured out where they should go, what they should do, where they should be sent, who should be taking care of them. We don't want that to happen in their medical care and in their access to the kind of things that we know they are going to need now and they are going to need in the coming weeks and months.

I hope we will do our homework quickly. I urge my colleagues to support this amendment to create temporary disaster relief Medicaid today. I ask them all to think about how they would feel, many of whom have experienced it. Senators from Alabama and Mississippi and Louisiana who have lost their homes and have found their family members displaced can understand how heavy the hearts are of our fellow Americans who have been victimized by this incredible storm. We, in our way, can help in bringing down the wall of bureaucracy and redtape to allow them the helping hand that we can provide.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 1652.

Mrs. LINCOLN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. LINCOLN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I am pleased to present to the Senate the Commerce, Justice, Science, and Related Agencies appropriations bill for fiscal year 2006. Since August 25, our Nation has been gripped by the devastation and destruction left in the wake of Hurricane Katrina. We have all watched in horror as this category 4 hurricane ravaged an entire region, and each of us share in the sorrow of those who have lost their lives and their livelihoods. I am confident that the strength of the American spirit will rise to this challenge and, just as we have many times before, that we can and will recover.

The bill before us today provides funding for many U.S. Government functions that are critical to hurricane prediction, response, and recovery. The Small Business Administration provides low-interest loans to disaster victims to rebuild their homes and businesses. The Economic Development Administration, under the Department of Commerce, can make funds available to distressed communities to help repair their physical infrastructure. Under the Department of Justice, State and local law enforcement assistance grants can help provide relief to gulf coast law enforcement agencies. Finally, the National Oceanic and Atmospheric Administration is one of three lead agencies responsible for researching, forecasting, monitoring, and warning of hurricanes.

It is timely that this bill is being considered on the Senate floor, and I commend the leader for recognizing how important it is to send this bill to the President.

This afternoon, I want to take a moment to provide some general background about the bill before us and the programs it funds. The reorganization of the Appropriations Committee earlier this year significantly changed the jurisdiction of the subcommittee. The newly formed subcommittee has jurisdiction over the Departments of Justice and Commerce, as well as the National Aeronautics and Space Administration, the National Science Foundation, and a number of independent agencies such as the Securities and Exchange Commission, the Federal Trade Commission, the Federal Communications Commission, and the Small Business Administration. The major areas of jurisdiction of the CJS bill are counterterrorism, Federal, State, and local law enforcement, our Nation's economy, regulation of the banking and telecommunications sectors, scientific research, including programs to study the oceans and atmosphere, and our Nation's space program.

In a year when domestic discretionary dollars are scarce, it has been our goal to ensure that the priorities of our Nation and our States are met while remaining within our allocation. I believe we have accomplished those

savings wherever possible and that we have allocated limited resources to meet the highest priority programs. These priorities include bolstering our capabilities for fighting terrorism, assisting with law enforcement activities at the State and local level, measuring and strengthening our Nation's economy, furthering scientific research, and reforming and reenergizing our Nation's space program. In the wake of three successive hurricanes last year and now Hurricane Katrina, we have also taken steps to ensure our Nation's ability to predict and monitor hurricanes. And we have done what we reasonably could within our purview to improve our response and recovery capabilities.

The total amount recommended is \$885 million above the fiscal year 2005 level at this point in the debate, which is a 2-percent increase. These numbers might suggest that the bill is well below the budget request. However, the bill does not include the proposed Strengthening America's Communities Initiative. The President's budget request for the Department of Commerce included \$3.7 billion to implement this new program. The bill before us does not reflect the President's proposal to transfer and significantly reduce these programs.

Another noteworthy aspect of the bill is that it includes an increase of over \$1 billion above the budget request for the Department of Justice. This is mainly due to the restoration of the proposed cuts to State and local law enforcement grants. I know the Presiding Officer is very involved in that. The bill also recommends nearly \$7.2 billion for the Department of Commerce, including NOAA and NIST, which is an 8-percent increase over last year's funding level. Many Department of Commerce programs were proposed for termination in the President's budget for 2006. Rather than terminating these programs, the bill before us includes funding for the Economic Development Administration, which is so important to every State, the public telecommunications facilities, planning and construction grants, and the Technology Opportunities Program.

In the science title of the bill, we have restored the 8-percent reduction from last year's enacted level that was proposed by NOAA. There is continued frustration among many of my Senate colleagues about the Department's repeated request to reduce NOAA funding. NOAA provides many critical functions to hurricane prediction and warning. Further, our oceans and atmosphere constitute one of our most precious natural resources, and I believe we can all appreciate the importance of both to human subsistence. I believe we should be increasing NOAA's budget, as the bill does, not cutting it.

In addition, this bill provides funding for NASA to move forward with the exploration vision while fully funding the ongoing activities of the space shuttle and the International Space Station.

The recommendation fully funds constellation systems and provides NASA with funds to prepare a servicing mission to the Hubble space telescope. Many of NASA's facilities in the gulf region sustained significant damage from Hurricane Katrina, and we have not addressed those issues in this bill. We expect to address them in the next supplemental spending measure that will be considered.

Finally, in the related agencies title of the bill, we include full funding for the Securities and Exchange Commission, for the Federal Communications Commission. The recommendation rejects a number of proposed program eliminations within the Small Business Administration.

This, overall, is a pretty lean bill. We had to work with our allocation. We had to make tough decisions to get here. I think my colleagues will find that this bill does support core functions and even provides increases where critical. The bill addresses the most pressing needs that were brought to our attention both by the administration and by my colleagues on both sides of the aisle. Overall we believe we have crafted a bill that reflects the priorities of this committee, as well as of the entire Senate.

I take this opportunity to thank Senator MIKULSKI, my friend and colleague, who is the ranking member on the committee. We have worked together this year, as we have in many years, to produce a bill that is fair and forward looking under intense time and budget constraints. I look forward to continuing to work with Senator MIKULSKI on the Senate floor and in the future.

I also reiterate the leader's position, which is that we must act on this bill expeditiously. I urge my colleagues to come to the floor and offer their amendments. I will try to work with them, but let's act in a timely manner. Time is of the essence now.

AMENDMENTS NOS. 1655 THROUGH 1658, EN BLOC

Mr. President, I now send a series of amendments to the desk. I ask that the amendments be considered read and agreed to, the motions to reconsider be laid upon the table, and that any statements relating to these amendments be printed in the RECORD, with all of the above occurring en bloc. These amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1655

On page 144, line 10, strike "\$409,625,000" and insert "\$404,625,000".

On page 152, between line 20 and 21, insert the following: "United States Travel and Tourism Promotion

For necessary expenses of the United States Travel and Tourism Promotion Program, as authorized by section 210 of Public Law 108-7, for programs promoting travel to the United States including grants, contracts, cooperative agreements and related costs, \$5,000,000, to remain available until September 30, 2007."

AMENDMENT NO. 1656

(Purpose: To provide funding and personnel for the National Hurricane Center)

On page 170, between lines 9 and 10, insert the following:

SEC. 304. Notwithstanding any other provision of this Act, of the amounts made available in this title under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" and under the subheading "OPERATIONS, RESEARCH, AND FACILITIES", not less than \$5,800,000 shall be made available for the National Hurricane Center and that such amount may be used to employ individuals in 43 full-time equivalent positions at the National Hurricane Center.

AMENDMENT NO. 1657

On page 173, beginning in line 2, strike "Provided further," and all that follows through "this Act" in line 10.

AMENDMENT NO. 1658

(Purpose: To expand the disaster loans that shall not be sold by the Small Business Administration)

On page 188, line 10, after "Alaska" insert "or North Dakota".

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Iowa.

Mr. HARKIN. Mr. President, I have an amendment to this bill that I will be offering shortly along with Senator SMITH of Oregon, my cosponsor, and cosponsored by Senators BINGAMAN, WYDEN, FEINGOLD, and KENNEDY.

This amendment will increase the amount of money going to legal aid programs across the country from \$324.5 million to \$358.5 million.

Again, this amendment will throw a lifeline of legal services assistance to people in need.

I point out that this is \$4 million less than what the Legal Services Corporation requested in their budget earlier this year. The reason it is slightly less is because we had to do that to get the proper offset for the amendment. Forty-five Members of the Senate, on a strong bipartisan basis, sent a letter to the chairman and ranking member earlier this year seeking the full funding for legal services, which was \$362.5 million. As I said, this amendment is \$4 million less than what 45 Members of the Senate, on a bipartisan basis, requested earlier this year.

I also point out that 25 percent of the increase goes specifically to those programs providing assistance to victims of Hurricane Katrina.

Even before the devastation and displacement of Katrina, this increase was sorely needed. That is because today, as I stand here, 50 percent of the people eligible for legal services in America are being turned away because the programs simply are underfunded.

Keep in mind, to even be eligible for legal services, one must be below 125 percent poverty. That means for a family of four, you have to have less than a \$23,000-per-year income to even qualify for legal services. Again, we are now turning away half of the families in America who need civil legal help who make less than \$23,000 a year. That is not justice.

Furthermore, the clients served by legal services are overwhelmingly fe-

male. Seventy-two percent of the clients served by legal services are women, most of whom are seeking help with domestic abuse issues, including custody, retraining orders, and safe housing.

Legal services is also the only assistance most low-income women have in getting and keeping safe, habitable housing. It is critical in reducing homelessness among women and children.

In the last 2 years, cuts to legal services programs have resulted in the loss of funding for 200 attorney positions. Every single one of those attorney positions means at least 385 people a year not able to get the legal help they need.

To sum it up, last year, legal services was forced to serve 77,000 fewer people than they did the year before.

The Senate bill before us today, instead of taking a small step to fix this injustice, imposes an additional \$6 million in cuts to legal services programs. This is simply unacceptable.

I don't want anyone here to think this amendment we are offering is a drastic fix to the problem. All this amendment does is restore funding for legal services to the fiscal year 2003 level adjusted for inflation. This amendment restores legal services funding to the 2003 level.

If we were serious about providing equal justice under law for all of our citizens and providing the resources that legal services really needs, we would restore legal services to the 1995 funding level of over \$500 million a year.

Think about it this way: Since 1995, we have cut legal services, the only civil legal help poor people have in this country, by a third. And need I remind anyone what has happened to poverty since 1995? Has it gone down by a third? No; it has gone up. So poverty has gone up, and we have cut legal services by a third since 1995. Unconscionable.

This, of course, is the picture legal services was facing before Hurricane Katrina. Legal services always plays a critical role in a national disaster, but this disaster will impose more burdens and more challenges than ever before. That is why this amendment devotes \$8 million or, as I said, 25 percent of the increase goes to programs directly helping victims of Hurricane Katrina. Again, is that enough? Hardly. This will be a small downpayment on the funding that will be needed, and I hope will be provided, in some of the supplemental funding bills coming down the road.

I heard the majority leader today saying there is going to be a supplemental on the floor today. I don't know what is in it, but there better be something in it to help legal services serve the people displaced. We have to have immediate assistance to these programs to help assist people in the largest displacement in this country since the Civil War. Think about it: The largest displacement of people since the Civil War.

One might say people need food, water, they need clothing, they need shelter, they need schooling. Yes, they need all those immediate needs. But here is why they are going to need legal services immediately, not a year from now.

Let me share with you an e-mail from the State director of the Alabama program, one of the hardest hit States, describing what they will be doing in the next few weeks:

... legal services programs are traditionally a critical partner in long-term disaster response. We will be doing everything from trying to clear title for FEMA award purposes (many low-income folks land in houses passed from generation to generation without any formal conveyance . . . ); to contractor fraud; to handling credit problems for folks who are trying to get SBA or other loans with which to rebuild their lives. Not only will we be helping victims of Hurricane Katrina [in this State], but there are over 35,000 evacuees from Louisiana and Mississippi in the State. Every one of our offices in the State will be serving Hurricane Katrina victims with already scarce resources.

So it is not something they are going to need a year or two from now, they need it now because, in the initial stages, legal services will be responsible for helping hundreds of thousands of people navigate the system for obtaining disaster-related food stamps, unemployment compensation, and housing assistance. They will be on the frontlines representing people with the agencies to get the needed relief.

Legal services will be the best on-the-ground arbiters of whether deadlines need to be extended to reach the hundreds of thousands eligible for assistance.

I have a little experience in this from both standpoints: One, I was a legal services attorney before I came to Congress. That was my job. So I know a little bit about how legal services work and who they serve. Second, our State of Iowa in 1993 was hit by a devastating flood. Every single one of our counties—99 counties—was declared a disaster area. Some of our small towns were totally wiped out.

So I have a great deal of sympathy and empathy for what is going on in New Orleans. We saw whole towns in our State underwater. Some of them were never rebuilt. We had to move people to other places.

That was 1993. Legal aid lawyers represented thousands of clients in the State of Iowa in landlord-tenant disputes about the ability to terminate leases of uninhabitable property. They assisted people in Iowa with a whole range of issues.

In one example, there was a certain FEMA determination that a woman was not entitled to compensation because the property was in the name of an ex-spouse. It turned out it was not an ex-spouse; it was her spouse who had died, and only legal services could help clear this up for this poor woman. She didn't have enough money to hire an attorney. As I said, to be qualified, one

has to have an income of less than 25 percent of the poverty level.

Another example of what they did in Iowa: FEMA determinations that massive property damages were, in fact, preexisting conditions; determinations of SBA loan eligibility.

This all happened in Iowa in 1993, so I know what it means to go through a devastating flood such as this and to have people who are homeless, without housing, with no place to go and needing the help of legal services to navigate, to find out what they can get, to know for what they are eligible.

In the situation we are now facing, much bigger than the flood of Iowa, legal services lawyers will be trying to represent clients who have no access to their homes, many who are temporarily living out of State. At least that did not happen in Iowa, at least not to any great extent. There are evacuees in Texas, in Arkansas, some in Washington, DC. Providing legal help to those most in need is critical in this instance.

Beyond the immediate need of helping the victims of Hurricane Katrina, legal services is critical to reducing violence in this country. When people cannot get results through the legal system, they resort to extralegal means. We have seen that in all areas of the country. We have seen that sometimes in disaster areas in the last week, and we should expect to see more if we cannot quickly get legal help to the people displaced.

It is not true because of Hurricane Katrina; it is true in everyday disputes. Having access to quality legal help reduces tensions, focuses people on compromise, negotiations. Legal services reduces the burdens on our courts. They help to ensure that those people with disabilities get the benefits to which they are entitled.

That is why the Legal Services Program has the complete support of the American Bar Association and every State bar in the United States. I point out that the American Bar Association supports the amendment we are offering.

Let me add that this amendment is fully offset, as it stands now.

I want to also add Senator OBAMA as a cosponsor to this amendment.

I urge my colleagues to support this amendment. As I said, 45 Senators signed a letter earlier this year seeking this level of funding; \$4 million actually more than what we are asking for in this amendment.

So I hope and trust that we will hold this in conference. We cannot continue to say we are a nation of equal justice under law when the poverty rate keeps going up and the amount of money we are giving the Legal Services keeps going down. Poor people are being excluded from our civil justice system. That is wrong. It should not happen in this country.

So this year, next year, the year after, I will be here, and I am sure along with many others on both sides

of the aisle, saying we have to get this funding back up. Our courts are plugged with people sometimes with crimes that have to do with property. How many of those might have been forestalled if they had had Legal Services help—or courts plugged because someone is there because of domestic violence. It could have been forestalled if people had had Legal Services.

So that is why we need to get the Legal Services Corporation back up to the level it was at least in the mid-1990s, and actually it probably should be more than that because of the huge increase in poverty in this country.

So if my colleagues believe in equal justice under law, if they believe an ounce of prevention is worth a pound of cure, if they believe by a little bit of money upfront helping people solve their legal problems, domestic violence problems, and things like that it will help keep people out of court, which we have proven is true, then we ask for support for this amendment, and hopefully we can hold this amount when we go to conference.

AMENDMENT NO. 1659

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. SMITH, Mr. BINGAMAN, Mr. WYDEN, Mr. FEINGOLD, Mr. KENNEDY, and Mr. OBAMA, proposes an amendment numbered 1659.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the appropriation for nationwide legal services field programs and to provide additional funds to programs providing legal services to the victims of Hurricane Katrina)

On page 175, strike lines 6 through 9 and insert the following:

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$358,527,000, of which \$346,251,000 is for basic field programs and required independent audits (of which \$8,000,000 is for basic field programs providing legal assistance to victims of Hurricane Katrina)

Notwithstanding any other provisions in the Act, the sums appropriated for the Department of Justice are reduced by \$37 million. This reduction is to be taken by the Attorney General from accounts receiving an increase in travel and transportation of persons as specified in the President's Fiscal Year 2006 Budget Submittal to Congress pursuant to 31 U.S.C. section 1105 and which are in excess of the fiscal year 2005 level;

Mr. HARKIN. I yield the floor.

Mr. DURBIN. Mr. President, I am pleased to speak in support of Senator HARKIN's amendment to add \$38.2 million to the reported funding level for the Legal Services Corporation, and am

proud to join him as a cosponsor. I was one of 47 colleagues joining in a bipartisan letter in June urging the subcommittee to support the Legal Services Corporation quest for \$363.8 million.

Liberty and justice for all is one of America's most cherished principles, and a fundamental part of the very fabric of our Nation. Our Founding Fathers fought a revolution for it. Thousands of brave men and women since then—from Abraham Lincoln to Susan B. Anthony to Martin Luther King and all who fought with them—risked their lives to ensure that the principle of justice for all truly applied to all Americans. And today, thousands of men and women of our armed forces are fighting and sacrificing their own lives to secure these freedoms for the people of Afghanistan and Iraq.

Justice for all knows no political exclusivity. It is not a Democrat or Republican value, but an American value. At the opening of each and every session of this Senate, we stand together and pledge our allegiance to this founding principle. Millions of schoolchildren pledge their allegiance every day to this fundamental tenet of our country.

Yet today in Illinois and throughout the United States, we are falling far short of fulfilling our Nation's promise of "justice for all."

A recently released study, "The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans," found that over the course of a year, tens of thousands of less fortunate Illinois residents were unable to obtain legal assistance that was often critical to their safety and independence. Hundreds of thousands more attempted to solve often complex legal problems on their own.

Studies in other parts of the country have reached similar conclusions. Millions of Americans are being shut out of our civil justice system, with grave consequences for themselves personally and for our country as a whole when legal assistance is not available to them. We are a long way from fulfilling our Nation's promise of equal justice for all.

This widespread lack of access to justice can only be described as a crisis for our country, and with increases in the poverty rate compounded by the vast devastation to so many of our fellow citizens caused by Hurricane Katrina, it will only get worse if we do not act.

Those being left behind by the alarming gap in access to our justice system are our friends, relatives and neighbors. They are children, families and the elderly of diverse creeds and backgrounds, and they often are the men and women fighting for our country and their families.

The story of a young man in our armed forces from Galesburg, a small city in the western part of Illinois, is a prime illustration. Before being deployed to Iraq, he visited Prairie State Legal Services, an organization funded

by the Legal Services Corporation that serves residents in 36 mostly rural counties in northern Illinois, to seek help in getting a power of attorney and will prepared so that if something happened to him his family would know what to do.

Other examples of the Americans who are helped every day by legal aid groups funded by the Legal Services Corporation—and for too many of whom help is not available—include a woman and her children victimized by domestic violence seeking an order of protection and child support to give them a fair chance to start a new life, a senior couple facing foreclosure of the only home they have ever lived in after being victimized by consumer fraud, a World War II veteran who served his country so well but now is being denied the benefits we have promised him, and numerous other less fortunate residents facing legal matters critical to their safety and independence as they try to pursue the American dream.

The legal aid system in Illinois is able to address only a small fraction of the civil legal problems encountered by low-income Illinoisans. The "safety net" is inadequate and fraying. Low-income Illinoisans faced over 1.3 million civil legal problems in 2003—from child custody disputes to mortgage foreclosure to physical and financial elder abuse. Low-income Illinoisans had the assistance of an attorney for only one of every six legal problems they encountered. Illinois's legal aid system is facing critical shortage of resources, with layoffs and hiring freezes becoming widespread at programs throughout the State.

The Legal Services Corporation has historically been grossly underfunded. In 1996, Congress reduced funding by 33 percent—from \$415 million to \$278 million, resulting in closure of more than 100 legal aid offices across the country. By fiscal year 2003, the appropriation had been increased to \$338.8 million, but levels have steadily declined as a result of Government-wide reductions.

The Legal Services Corporation has already had to absorb \$9 million in cuts over the last 2 years. That translates to almost 200 attorney positions across the country who are no longer helping those in need of legal assistance. Just in the last 2 years, the number of people that were able to receive needed services declined from 978,000 to 901,000. Three States are experiencing layoffs and many other States have a hiring freeze in place that has led to as many as one third of the staffing positions being vacant.

While it is not the Federal Government's responsibility to be the sole source of legal aid funding, the Federal Government has a significant role to play in partnership with State and local governments, the legal community and other public and private sources.

The need and the cost effectiveness of increased funding for civil legal aid

have been amply demonstrated. The excuse that there is not enough money is no longer acceptable. We are failing to protect the legal rights of too many of our most vulnerable residents.

But if Congress adopts the Harkin amendment reflecting the bipartisan Legal Services Corporation Board's funding request, it would mean almost \$1 million in additional funding for Illinois programs over last year's appropriation and thereby ensure services for thousands of lower-income Illinois residents.

By contrast, if the appropriation remains at the \$324 million level in the underlying bill we are considering, it will result in additional cuts of more than \$200,000 for Illinois programs. Attorneys throughout Illinois already contribute more than \$5 million annually to civil legal aid, as well as providing hundreds of thousands of hours of pro bono services. While members of the legal community must continue to be leaders in this effort, they cannot do it alone. Congress must step up to the plate.

Access to and availability of legal services will be even more acute in the coming months as thousands of victims of the devastation in the wake of Hurricane Katrina grapple with housing, unemployment, and other complicated assistance programs. Prior to Hurricane Katrina, there was already a critical need for an increase in the budget for legal services programs. Between March and May of 2005, legal service programs across the country were forced to turn away 50 percent of people eligible for assistance. An additional 20 percent were forced to make due with less legal help than necessary.

By adopting this very modest amendment offered by Senator HARKIN, we can ensure that tens of thousands more Americans like those I described have access to critical legal services that will enable them to continue to be independent and productive members of our communities.

Senator HARKIN's amendment would merely restore Legal Services Corporation funding to its level from 2 years ago when adjusted for inflation. It is only a modest increase from last year's \$335 million pre-rescission funding level, yet it would help ensure services for tens of thousands of Americans are protected. It will help give them access to reliable web-based legal information and resources, legal aid hotlines, and extended representation by legal aid attorneys in more complex matters.

I hope we will all join in full support of Senator HARKIN's reasonable amendment. Let's demonstrate that "justice for all" is a meaningful commitment—and never becomes a meaningless cliché.

Mr. OBAMA. Mr. President. I rise in strong support of the amendment offered by Senator HARKIN to increase funding for the Legal Services Corporation. I am proud to be a cosponsor of the amendment.

The Legal Services Corporation provides vital legal assistance to the poor



around the country. It was created in 1974 with bipartisan congressional sponsorship and the support of the Nixon administration.

In Chicago, the Legal Services Corporation funds make it possible for the Legal Assistance Foundation to help my constituents navigate the foster care system and receive compensation after violent crimes. In Galesburg and Peoria, these funds make it possible for the Prairie State Legal Services organization to help people dealing with domestic violence issues and elder abuse.

In the aftermath of Hurricane Katrina, you can bet that Legal Services Corporation will be in Louisiana, Alabama, Mississippi, and the many States where hurricane victims are being relocated helping newly impoverished citizens obtain food and shelter assistance, health care and insurance benefits, unemployment insurance, Social Security benefits, and FEMA assistance.

This program makes a real difference in people's lives. Take the story of Irene and her family for example, who live in Section 8 housing and needed help. They visited the Prairie State Legal Services office in Illinois. Every day, Irene had to get two wheelchair-bound grandchildren up the stairs and into a second floor apartment. Both her grandchildren have cerebral palsy and are confined to wheelchairs. The oldest is now 14 and weighs 160 lbs. And after 11 years, as I am sure you can imagine, Irene was having a hard time getting her grandchildren up those stairs. But when she tried to make this difficult situation better, it only got worse.

Irene applied for and received a transfer certificate from Section 8 to allow her to move to a new apartment. But she could not find a first-floor apartment to transfer to within the 60 days that the transfer allowed. Irene tried calling the Section 8 offices to let them know of the delay, but she was forced to leave messages. When she finally sent a letter asking for a response to her messages, she was informed that she was too late—not only was the Public Housing Agency terminating her transfer, it was also terminating the Section 8 subsidy for her current apartment.

But that is when Prairie State and Legal Services Corporation intervened. A staff attorney represented Irene in an administrative appeal, and pointed out that under the Fair Housing Act and the Americans with Disabilities Act, Irene had not been provided the support needed to assist her in finding an apartment. As a result of her attorney's efforts, Irene's subsidy was reinstated, she was given a new transfer certificate and was provided with active assistance in helping her find a new apartment.

Legal Services Corporation helps folks like Irene all across the country, from South Carolina to South Dakota, Illinois to Iowa. And when someone displaced by Hurricane Katrina cannot

afford a lawyer but is having trouble getting her unemployment insurance or Social Security benefits, or getting her utilities turned back on, Legal Services Corporation will be right there. Legal Services Corporation-funded organizations have won dozens of awards, and groups ranging from AARP to the American Bar Association have voiced their strong support of LSC. We should do the same.

Over the last decade, the LSC budget has suffered \$196 million in cuts. The Appropriations Committee proposed this year to cut \$6 million more. I do not think this is the time to deny legal services to those who need them most. I believe that in light of the pressing crises confronting individuals in the gulf coast, we should be increasing funding for the Legal Services Corporation, not decreasing it. So I strongly support Senator HARKIN's amendment, and I urge my colleagues to do the same.

Mr. WYDEN. Mr. President, I rise today in support of the amendment introduced by my colleague, Senator HARKIN, from Iowa, which would increase funding for the Legal Services Corporation by \$38.2 million to \$363 million.

If there was ever a time to provide adequate funding for legal services for the poor, that time is now.

In the wake of Hurricane Katrina, there will be thousands and thousands of Americans in desperate need of legal advice who lack the resources to hire their own attorneys or the skills necessary to meet the legal challenges they must confront.

These are the same folks that didn't have the means to get out of harm's way when the hurricane struck.

These are the same folks that waited for days on their rooftops, at the New Orleans Convention Center, the Superdome, and so many other places down on the Gulf Coast to be rescued.

These are the same folks that now must rebuild their lives—often times from scratch.

They will need legal assistance. Congress needs to step in and help make this a reality. And Congress needs to step and increase funding so that the thousands of other Americans—in addition to the victims of Katrina—who are unable to afford legal advice get the access to justice that they deserve.

How can it be, in a country where we teach our children from an early age the Pledge of Allegiance and its closing words—"with liberty and justice for all"—so many children and their families cannot obtain equal access to justice?

How can it be, in a country that saw an historic economic boom in the last decade, that 80 percent of low-income Americans still lack access to a lawyer when they're in serious legal situations?

How can it be, in a country as strong and rich as this one, that tens of thousands of Americans who need legal representation are turned away every year

because their Government won't support the very program designed to help them?

This year, the House has appropriated only \$324.5 million in funding for Legal Services. The current version of the Senate CJS Appropriations bill funds the program at about the same level.

This is less than Legal Services received in FY 2005. It's almost \$40 million less than the FY 2006 budget request made by the bipartisan Legal Services Corporation Board of Directors. In fact, the current level of funding is not much more than it was in 1981—in real dollars.

The issues that Legal Aid works to address are not esoteric legal questions. They are issues of life and death and food and shelter.

When folks who are already hurting can't get the legal representation they need, all too often it gets harder to put food on the table and harder to pay the rent and harder to get the medicine for the kids or for Grandma.

In the State of Oregon, the need for legal aid is clear, and the choice to fund it should be obvious. Oregon's Legal Aid programs are the primary source of representation available to more than 500,000 low-income folks in my State, and they assist 20,000 of those low-income Oregonians every year.

But because of Legal Aid funding shortfalls in recent years, the Oregon programs have had to layoff staff, cut salaries for remaining staff, slash their medical benefits, freeze vacancies, and close the Klamath Falls office. Less than 20 percent of low income Oregonians have access to an attorney who could make a critical difference in helping them deal with a legal issue—from a getting restraining order from an abusive boyfriend to helping a predatory lending victim.

The idea that Legal Aid is the practice of political law is preposterous.

It's simply making sure that legal services are available for the very people who need them most.

Make no mistake—State, local and private resources are providing the vast majority of Legal Aid funding in Oregon and elsewhere. In 1980, Federal funding accounted for 80 percent of the total legal aid money in Oregon. In 2005, Federal funding accounts for 28 percent. Everyone else is doing their part to provide these folks with equal access to justice—it's time that the Federal Government did its part too.

I am determined that the victims of Hurricane Katrina and poor Americans throughout the United States, who, as children, stood in their classrooms with their hands over their hearts and recited the Pledge of Allegiance and the words "with liberty and justice for all" will not find out those words were a lie.

I am determined that the victims of Hurricane Katrina living in the Houston Astrodome will have legal help they need when applying for food

stamps and other forms of assistance available to them.

I am determined that the victims of Hurricane Katrina relocated to San Antonio will get legal help they need to deal with their insurance companies.

I am determined that the victims of Hurricane Katrina spread all across the country will get the legal assistance they need to rebuild their homes—and their lives.

With Federal, State and local partners working together, we can ensure equal access to the law for all Americans, including the thousands and thousands of victims of Hurricane Katrina.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I congratulate the Senator from Iowa for offering this amendment. I know he has been a passionate supporter of Legal Services and quite frankly so have I over the years, having used it when I was a social worker in Baltimore and a child abuse worker, I might add, when many of these children had very little protection, the kind of protection we have now.

Legal Services will perform services at multiple levels. One is the traditional services in all 50 States. No. 2, though, they will be very important now to people with Katrina, particularly those who are unfamiliar with paperwork and bureaucracy and applying and all of those things and will need someone to help them navigate.

One might ask, why would they need a lawyer? Legal Services offers more than lawyers, and they will be there. I think the Senator's amendment is excellent. I think what we need to be able to do is find both the will and the wallet to fully support Legal Services.

When I think back on what Legal Services has meant, it often helped people get their lives together. I know in my own case as a social worker, it helped a welfare mother get a divorce from an abusive husband. It helped her be able to clear up all of her credit issues so that she could begin a new life. She got a GED so she could move off of welfare and establish herself. The credit card mess was due to the abusive husband. So Legal Services, really, in many instances helps families get their lives together.

So we look forward to supporting this amendment and working with him on other advocacy issues.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1652

Mr. SALAZAR. Mr. President, I rise in strong support of the amendment offered by Senator LINCOLN to ensure that victims of this terrible hurricane have access to the health care their situation demands today. This is the least we can do, and I urge Senators to support her amendment.

I was moved to hear the words of Senator LANDRIEU this morning. She has been a tireless warrior for her State throughout her career, and I commend her for her work and her efforts over the last tragic days she has been through in Louisiana. To her and to my other colleagues, to Senator LOTT, Senator COCHRAN, Senator VITTER, Senator SESSIONS, and Senator SHELBY, I simply say we should do everything in our power as a Senate to help the victims of this terrible storm and to help rebuild their States, cities, and communities.

Let me say, too, that I am proud of Coloradans and their response to this disaster. In the 10 days since the devastating storm hit the shores off the gulf coast, people of our State have stepped up to help the victims.

Experts from the national Centers for Disease Control and Prevention laboratory in Fort Collins will be dispatched to the region soon. Disease trackers from Fort Collins likely will be sent to the gulf coast to help contain the spread of the West Nile virus and the spread of other mosquito-borne illnesses in the aftermath of Hurricane Katrina. The U.S. Northern Command at Peterson Air Force Base, which is charged with defending against military attacks within our borders, is now charged with mobilizing military resources for the Hurricane Katrina disaster. The U.S. Joint Operations Center in Colorado Springs has nearly 1,000 people on 24-hour duty to facilitate Federal Emergency Management Agency requests.

I am proud of the men and women in uniform who today are helping our country within our borders.

Nearly 800 Colorado National Guard men and women are deployed to that region today. Churches in Denver and throughout the State of Colorado are mobilizing to help with relief efforts, whether that means collecting donations, physically traveling to the devastated communities, or taking in displaced refugees. The University of Colorado has started a streamlined admissions process for students temporarily displaced by Hurricane Katrina. Colorado State University has taken similar steps.

The American Red Cross Mile High Chapter, which houses the Nation's second largest disaster response phone operation and which for a time was

handling one-third of the calls pouring into the Red Cross national headquarters in Washington, DC, has done a tremendous job, and in the immediate aftermath of the storm more than 800 Coloradans volunteered to receive training and field phone calls and take donations for the Red Cross. My wife Hope and my daughter Melinda and I visited the Denver operation last week and helped man the phones. I could not have been more proud of our State and its people. I am sure the experience of Colorado is an experience that has gone across all of our 50 States of our great Nation.

I remember Sunday, August 28, very well. The country held its collective breath as we awaited landfall of Hurricane Katrina. In my faith, we celebrate Feast Days of Saints, symbols of the kinds of lives Catholics aspire to lead. Sunday, August 28, was the Feast Day of Saint Augustine, an intellectual giant in our church who became so only after battling great personal challenges in his own personal life. Augustine had an important piece of advice for all of us that is applicable today. He said:

Pray, as though everything depended on God. Work as though everything depended on you.

One look at the devastation in the gulf coast—the destruction wrought in Biloxi, MS, the obliteration of towns all along the Mississippi coast, and the suffering in New Orleans and across Louisiana—and none of us could have imagined that kind of devastation could ever occur here in our homeland. We cannot help but feel that the reconstruction of this wonderful part of our country will depend not only on our human powers but also on the supernatural powers that will guide us.

But seeing the suffering on the faces of our fellow countrymen, women, and children, you cannot feel anything but to be ready to work as if the end of their suffering depends on our work. In point of fact, those suffering people depend on us to end their suffering, and we owe it to them to work as though everything depends on us. I submit that a basic function of the Federal Government is to respond to a national disaster such as Katrina which has devastated 90,000 square miles of America.

We can and we must do everything we can. I submit we should take on our challenge in three critical ways. First, we must provide immediate humanitarian assistance. Second, the President should lead a Marshall-like plan to reconstruct the gulf coast region. Third, we must learn the lessons from the Katrina disaster so we can prevent these kinds of disasters from happening elsewhere in our great Nation.

Let me review each of those points. First, by providing immediate humanitarian aid and assistance to the victims of this terrible disaster, we should be doing what is our duty as a nation. Last week, Congress provide FEMA \$10.5 billion in emergency funding. Today, we anticipate we will provide



another \$51.8 billion for this national disaster. Passing these appropriations will help the victims of Hurricane Katrina, and it is the right thing to do. I am proud we are taking these steps.

At the same time, the Federal Government can and should do more. That is why I commend Senators REID and LANDRIEU for introducing the Katrina Emergency Relief Plan earlier today. I am proud to cosponsor that legislation, and I urge my colleagues to join us in immediately passing this much needed relief for the victims.

We can take that first step now by passing Senator LINCOLN's proposed amendment. The people of our great Nation have the right to expect and deserve the best emergency and disaster response services in the world. It is the responsibility of the Federal Government to protect its citizens, and in the aftermath of Hurricane Katrina much more needs to be done to live up to that responsibility.

The Katrina Emergency Relief Plan is the right first step. I also will continue to press for additional immediate relief, including: first, an emergency appropriation for CDC, for disease surveillance and mitigation; second, immediate assistance to States for those universities and school districts, such as those in Colorado, that take on displaced students from Katrina-affected elementary, middle, high schools, and university settings; third, an expansion of the cap on the amount of charitable donations that can be claimed for tax purposes when those donations are given for Hurricane Katrina responses; fourth, a fix in the Tax Code to permit the expenses associated with the provision of room and board to victims of Hurricane Katrina to be tax deductible; and, finally, exempting the victims of Hurricane Katrina from the means test under the new bankruptcy law due to take effect on October 17 of this year.

Second, we must respond to this disaster by creating a Marshall plan for reconstruction of the gulf coast. From jazz to William Faulkner, these affected States have given much to our country and to our history. As such, I cannot imagine that anyone would not consider investing the resources necessary to rebuild this vital part of our great country. We owe it to our fellow countrymen and people on the gulf coast.

This will require a recovery and reconstruction effort on the scale of the Marshall plan that rebuilt Europe after World War II. Not unlike post-World War II Europe, the Gulf States are now facing unprecedented damages which require immediate action. Entire towns in Mississippi were destroyed and it will take months to make New Orleans and other communities in Louisiana habitable again.

Such a plan should include the creation of a small and effective Cabinet member-chaired task force—that the President would appoint—with State and local participation, and that task force would have a singular focus on

this challenge. The task force should develop a plan for reconstruction, identify the costs associated with that plan, and oversee its successful implementation.

In addition, I recommend getting our hands around the pain at the pump created by the record high gas prices, and the impact they are having on our country, including consumers, farmers, ranchers, and businesses. A first step in that effort is for the Department of Justice to provide assistance, both technical and financial, to State attorneys general to fight price gouging and contractor fraud, and freeze any requirements for small businesses and farmers affected by Katrina to service Small Business Administration and USDA loans or any other Federal Government-provided loans until the affected areas can be reconstructed.

If we are to have a Marshall plan, we also will need to have a leader of the caliber of General George C. Marshall. That is why I repeat today my request to the President that he seek the resignation of Michael Brown, the FEMA Director, and replace him with a leader who has the experience and expertise to meet the challenges of the greatest natural disaster in our country's history.

Thirdly, we must expeditiously determine what happened in response to this disaster and how we should reform FEMA and our Federal agencies to ensure that this slow response does not happen again.

I have already joined my colleagues in calling for an independent commission to investigate the Federal response to Hurricane Katrina and how we can be better prepared for future cataclysmic events. This effort can be helpful, and, as was the case in the wake of the terrible 9/11 terrorist attacks, we can, in fact, do something to learn the lessons we must learn.

But what we do not need is a partisan investigation that produces predetermined results. Remember the history of the 9/11 Commission, the most bipartisan and successful commission in a long time. It was only against the backdrop of opposition from the White House and after months of calls from the families of the victims of 9/11 that the commission was created, and, once created, that commission did its job.

I hope we can avoid the partisan wrangling this time around and get a commission that gets right to work on this very important effort.

I will also propose legislation to improve training for evacuation and relocation in reaction to natural or man-made disasters. We often cannot predict when natural disasters will strike, but we must begin preparation for future incidents without further delay.

I hope, too, that the conferees on the Homeland Security will keep in that conference report my amendment to require a national survey of first responders. I recently conducted such a survey of Colorado's first responders and was appalled at the result which

demonstrated how unprepared our first responders are in dealing with these kinds of disasters. Given what we have seen in the last 10 days—where the Federal Government's response has without question failed—we need to hear directly from the police, firefighters, and others how we can improve our response.

In closing, I am reminded of another saying by Saint Augustine. He asked:

What does love look like? It has the hands to help others. It has the feet to hasten to the poor and the needy. It has eyes to see misery and want. It has the ears to hear the sighs and sorrows of men. That is what love looks like.

The victims of this terrible tragedy love this country, but this country has let them down. It is now time for this Senate, this Congress, and this President, who runs the executive branch, to get to work to rectify that letdown.

We are this great country's hands, and we can do more to help those victims. We are this great country's feet, and we can do more to carry assistance to those victims. We are this great country's eyes, and we must see what they are suffering through. We are this great country's ears, and we cannot turn a deaf ear to the pleas from the gulf coast.

We can do better, and I look forward to working with all of my colleagues to ensure that we do.

Thank you, Mr. President. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1654

Mr. DAYTON. Mr. President, I ask unanimous consent to set aside the pending amendments and call up amendment numbered 1654.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON], for himself, and Mr. CHAMBLISS, Mr. OBAMA, Mr. KERRY, and Mr. HARKIN, proposes an amendment numbered 1654.

Mr. DAYTON. I ask unanimous consent the reading of the amendment be dispensed with.

The amendment (No. 1654) is as follows:

(Purpose: To increase funding for Justice Assistance Grants)

On page 133, line 24, strike "\$1,078,350,000" and insert "\$1,353,350,000 of which in addition to amounts provided by the following table \$275,000,000 shall be available for Justice Assistance Grants to be offset by reducing appropriations in this title by a total of \$275,000,000 to come from activities as follows: \$43,000,000 from travel and transportation of persons; \$3,000,000 from transportation of things; \$27,000,000 from communications, utilities, and miscellaneous charges;

\$6,000,000 from printing and reproduction; and \$196,000,000 from other services”.

Mr. DAYTON. I thank the distinguished ranking member for assistance in putting this together. I thank my distinguished cosponsor of this amendment, Senator CHAMBLISS of Georgia, for his leadership and involvement in the Byrne Grants, along with Senator LIEBERMAN whose long-time involvement in the grants has been recognized nationally.

It is my understanding the amendment is further cosponsored by Senator OBAMA, Senator KERRY, and Senator HARKIN, and I ask unanimous consent Senators HAGEL, CLINTON, CANTWELL, and SALAZAR be added as original cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, this amendment increases the funding for the Juvenile Assistance Grants by \$275 million, with particular focus on adding that funding to what are called the Byrne Grants, which are local law enforcement grants vital in my State of Minnesota for fighting the scourge of meth that has ravaged communities, that has been so destructive to school-children of all ages, I am sorry to say, particularly teenagers and young adults.

The illegal meth used in production in Minnesota has increased in a skyrocketing fashion. I understand that is true in many other States as well. These Byrne Grants have been essential to Minnesota and other law enforcement efforts to provide the funds necessary to combat the scourge. The funds go to local law enforcement block grants.

The Byrne Formula Grants consolidated into the Justice Assistance Grant have been reduced in the last couple of years. This restores badly needed funding for those purposes. I commend the chairman of the subcommittee and the ranking member for providing \$625 million of funding that is well above what the House of Representatives has provided, \$348 million.

This money is desperately needed and will be well used. My amendment is fully offset by various reductions in administrative expenses. I can detail those if Members desire, but it will be fully offset, and has been determined as such by the Congressional Budget Office.

I ask unanimous consent, at the conclusion of my remarks, the following letters of endorsement from the national organizations be added: The National Association of Police Officers, the International Association of Chiefs of Police, the Minnesota Sheriff's Association, the Minnesota Police and Peace Officers Association.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. DAYTON. I ask my colleagues to support this bipartisan effort. I believe they will find, as I have, this has almost unanimous support of local law

enforcement officials in their States, as it does in mine. The funding is desperately needed, and it will be well used and go to our communities, to our counties, to our States in ways that will be directly involved in reducing juvenile crime as well as other forms of crime.

#### EXHIBIT 1

#### THE NATIONAL ASSOCIATION OF POLICE OFFICERS, September 8, 2005.

Re Dayton Amendment re JAG funding.

Office of SENATOR DAYTON,  
Washington, DC.

NAPO supports Senator Dayton's amendment to increase JAG funding by \$275 million. The Justice Assistance Grants have provided beneficial support for local law enforcement, fostered community initiatives against crime and facilitated improvements to State criminal justice systems. We thank the Senator for his continued work to ensure that local law enforcement is afforded the ability to receive the effective and user-friendly funds it needs the most.

Please keep me posted on how the amendment fares today.

Thank you.

#### INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, September 6, 2005.

Hon. MARK DAYTON,  
Russell Senate Office Building,  
U.S. Senate, Washington, DC.

DEAR SENATOR DAYTON: On behalf of the International Association of Chiefs of Police (IACP), I am writing to express our support for your amendment to restore funding to the Justice Accountability Grant (JAG) program. As you know, the IACP is the world's oldest and largest association of law enforcement executives with more than 20,000 members in 100 countries.

The JAG program, which was formed by consolidating the Edward Byrne Memorial Grant program and the Local Law Enforcement Block Grant program, is one of the primary federal assistance programs for state, tribal and local law enforcement agencies. For more than a decade, the resources provided under the JAG program have allowed law enforcement agencies to expand their capabilities and make great strides in reducing the incidence of crime in communities across the nation. The JAG program provides crucial funding to assist states, tribes and local governments in controlling and preventing drug abuse, crime and violence, and in improving the functioning of the criminal justice system.

However, this vital program has seen significant cuts in recent years. H.R. 2862 as currently drafted in the Senate would provide \$625 million, a cut of \$275 million or 30 percent, from FY 2003 levels. Cuts of this magnitude will certainly have a significant and negative impact on the ability of state, tribal and local law enforcement agencies to maintain the many critical anti-crime programs that are currently supported by funds received under the JAG program.

It is vital that Congress act to ensure that state, tribal and local law enforcement agencies continue to receive the resources necessary to fulfill their mission of protecting the public and the communities they serve. For these reasons, the IACP urges all Members of Congress to support your efforts to restore funding to the JAG program to FY 2003 levels.

Thank you for your efforts on behalf of law enforcement.

Sincerely,

GENE R. VOEGTLIN,  
Legislative Counsel.

#### MINNESOTA SHERIFFS ASSOCIATION,

September 7, 2005.

DEAR SENATOR MARK DAYTON: The Sheriffs of Minnesota are asking for your support and leadership in restoring funding for the Justice Assistance Grant (JAG) program, including the Byrne Grant Program and LLEBG. It is my understanding you are considering an amendment that would add \$275M to JAG which would increase funding to 2003 level of funding.

Under the Administration's current proposal funding for several of these crime fighting programs are significantly decreased or eliminated altogether. The Minnesota Sheriffs Association is requesting your support in restoring funding for the Byrne Memorial Justice Assistance Grant and COPS programs. In Minnesota the Byrne Grant program is critical to the success of our Gang and Drug Task Force operations. During our Minnesota 2005 Legislative session, our legislature appropriated local funds to match the Byrne Grant funds. The coordination of these funds will give our law enforcement officers the resources and necessary support as they battle both increased gang activity and massive increase in meth addiction and use within our state. Example: in a recent sample survey at several of our county jails it was revealed over 53% of our prisoners are in jail due to meth/drug related charges. Without the Byrne Grant funding, local crime fighting resources will have to be reduced.

Please do what you can to restore the Byrne Grant funding. This is a very important source of federal funding for our Sheriffs and local units of government. Thank you for your consideration.

Sincerely,

JAMES D. FRANKLIN,  
Executive Director.

#### MINNESOTA POLICE AND PEACE OFFICERS ASSOCIATION, September 8, 2005.

Hon. Senator MARK DAYTON,  
Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR DAYTON: I write today to thank you and commend your efforts to ensure continued and critically needed funding for the Byrne Justice Assistance Program. I wish to express the strong support of police officers across the state and the 7,500 members of the Minnesota Police and Peace Officers Association (MPPOA), for the Dayton-Chambliss amendment to the FY 2006 Commerce, Justice, Science Appropriations Bill (H.R. 2862) to enhance funds provided for this critically important program.

In Minnesota and other states across the country, the Byrne Justice Assistance Program is a significant source of support for education, treatment, and law enforcement initiatives combating the scourge of methamphetamine. As you know, methamphetamine is a serious and still growing problem in Minnesota, and it continues to spread throughout the nation. Exposure to methamphetamine and the waste and by-products from its production poses significant risks and has devastating consequences—for individuals, children, communities, and emergency services personnel. Indeed, nearly every day a tragic story is reported in the Minnesota news media telling of the devastating effect of methamphetamine on our residents, our families, and our communities.

As President of Minnesota Police and Peace Officers Association (MPPOA), I have witnessed first hand the benefits of the Byrne Program in protecting our communities and families from the growing problem of methamphetamine. In Minnesota, the Byrne Justice Assistance Program funds

local drug education treatment, and law enforcement programs, including 21 multi-jurisdictional drug task forces that are tasked with combating the epidemic of methamphetamine trafficking and production in our communities. Without the support of the Byrne Justice Assistance Program funding, these drug task forces face reductions that will decrease their abilities and effectiveness. Should this occur, Minnesota's ability to fight the war on drugs would undoubtedly be diminished, with potentially disastrous consequences. I have attached a recent article from the Fergus Falls (MN) Daily Herald which illustrates the importance of the drug task forces and the potential consequences of reductions in available resources.

The concerns of Minnesota law enforcement officers are not limited to the borders of the state—methamphetamine “cooks” often obtain the necessary ingredients in surrounding states and manufacture the drug locally. In addition, the international and interstate trafficking of methamphetamine is increasing as the drug task forces succeed in their efforts to identify, arrest, and prosecute domestic clandestine methamphetamine laboratory operators. These challenges exhibit the need for a strong federal response to methamphetamine, an effort that, in many areas, depends on the support of the Byrne Justice Assistance Grant Program.

Once again Senator Dayton, thank you for your continued support of Minnesota's law enforcement community and your efforts to ensure adequate resources in the national fight against methamphetamine.

Sincerely,

BOB BUSHMAN,  
*President.*

Mr. DAYTON. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I rise in support of Senator DAYTON and Senator CHAMBLISS's amendment. In the wake of the devastation of Hurricane Katrina and the massive displacement of hundreds of thousands of people, the country has once again relied on the strong efforts of the Nation's first responders to provide aid during a time of national tragedy.

Although the Federal response to this disaster may have been too slow, there can be no doubt that the men and women on the nation's front lines have valiantly come to the aid of their fellow citizens.

Police officers from New York City, NY, to Alton, IL, have answered the call of duty and volunteered to go to New Orleans to assist in rescue, recovery, and reconstruction efforts. These brave men and women are the Nation's heroes, and this body should do all it can to provide them with the resources they need to do their jobs.

Unfortunately, at a time when we are relying on the Nation's first responders—our law enforcement, our fire fighters, our emergency technicians—to protect us against terrorism, to re-

spond to natural disasters, to protect us from the normal everyday ravages of crime and drug use that do not abate just because the Nation is at war—it is shocking to me that Washington is contemplating major cuts to important law enforcement assistance programs.

That is why I am proud to be joining Senators DAYTON and CHAMBLISS in cosponsoring an amendment to the Commerce, Justice, Science appropriations bill to increase funding for the Edward Byrne Memorial Justice Assistance Grant Program.

The Edward Byrne Memorial Justice Assistance Grant Program, provides an important source of funding for state and local law enforcement to make communities safer and improve criminal justice.

In Illinois, these dollars are put to good use. They help fight the scourge of methamphetamine, which has traveled from the West Coast to the Midwest and is ruining rural communities across the country.

The meth problem has grown exponentially in the last few years. Police in Illinois encountered 971 meth labs in 2003—more than double the number seen in the year 2000. The quantity of meth seized by the Illinois State Police increased nearly ten-fold between 1997 and 2003.

The meth problem is taking over communities—depleting already limited resources, taxing the police, the judicial system, social services, and the schools. Every aspect of the local communities are touched and harmed by meth.

Luckily, one program has proven helpful in Illinois' battle against meth—the Byrne Justice Assistance Grant Program.

In 2004 alone, Byrne Justice Assistance Grant dollars helped make 1,267 methamphetamine drug arrests in Illinois. That same year, Byrne Justice Assistance Grant dollars helped seize 348,923 grams of methamphetamine.

For rural Illinois, Justice Assistance Grant dollars have provided a much-needed life raft, funding important multi-jurisdictional programs that have allowed various counties and communities to join together, combine resources and work to stop the onslaught of meth.

The Southern Illinois Enforcement Group—a coalition of three Southern, predominantly rural Illinois counties, is one of these task forces. The unit has responded to 84 meth labs so far this year, more than 40 percent of all meth labs in the greater Southern Illinois 33-county region for 2005.

When I visited with law enforcement from the Metropolitan Enforcement Group of Southwestern Illinois, another one of these task forces, this August, they shared with me how important these dollars are to their efforts. They fear that any cuts will mean a reduction in the number of officers, or even worse, the loss of the task force, either of which will mean that they will have to battle a growing meth

problem with fewer resources. Now, this body is proposing to flatfund the Byrne Grant Program at \$625 million.

While this is much better than the alternative proposed by the President—who wanted to eliminate the program—and it is better than the House option, which has voted to fund the Justice Assistance Grant Program at \$366.4 million—this is woefully short of the funding provided this program only 3 years ago.

The amendment I cosponsor today would fund the Justice Assistance Grant program at \$900 million, the same amount provided the Byrne Formula Grants and the Local Law Enforcement Block Grants, which comprise the Justice Assistance Grant program in fiscal year 2003.

I hope my colleagues will join me and Senators DAYTON and CHAMBLISS in supporting our Nation's law enforcement—and giving them the resources they need to do their jobs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent to be permitted to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### USA PATRIOT ACT

Mr. BOND. Mr. President, we are all very busily working on appropriations bills, and we are working in committees as individuals and leaders on the terrible tragedy of Hurricane Katrina, and our hearts and our thoughts and prayers go out to all the victims. We know a tremendous amount of work needs to be done, and we are just beginning to see how big it is and how difficult it is going to be. Certainly, the distinguished manager of the bill knows in his own State how terrible this crisis is.

But I believe it is important to issue a cautionary message that as we approach the anniversary of 9/11, we cannot lose sight of the fact that we are still at war and under attack by those who want to end our way of life and destroy our civilization and terrorize our citizens.

I have been asking myself: Are we safe from another terrorist attack on the scale of 9/11? Is the Government doing everything it can to protect us? What can we do better? We have heard recently some very ominous warnings from leaders of al-Qaida that they are preparing another terrorist attack. Obviously, we have to maintain the appropriate means of defense, and we

have done a good job of making it more difficult for terrorists to strike commercial airlines, but we also know, from having seen the attacks in London in July, that terrorists are looking for soft targets.

It is not enough to protect what we know they have attacked in the past. We have to do a better job. I think President Bush was right in saying the best way we can keep our country safe is to carry the war on terror to those countries that harbor terrorists.

I heard some discussion recently about whether we should have gone into Iraq. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Christopher Hitchens in last week's Weekly Standard that lays out in detail, for anybody who is interested, why we had to go into Iraq, why it is the right war. I would incorporate that by reference because that article does a good job of outlining my own beliefs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Weekly Standard, Sept. 5-12, 2005]  
A WAR TO BE PROUD OF: THE CASE FOR OVERTHROWING SADDAM WAS UNIMPEACHABLE. WHY, THEN, IS THE ADMINISTRATION TONGUE-TIED?

(By Christopher Hitchens)

Let me begin with a simple sentence that, even as I write it, appears less than Swiftian in the modesty of its proposal: "Prison conditions at Abu Ghraib have improved markedly and dramatically since the arrival of Coalition troops in Baghdad."

I could undertake to defend that statement against any member of Human Rights Watch or Amnesty International, and I know in advance that none of them could challenge it, let alone negate it. Before March 2003, Abu Ghraib was an abattoir, a torture chamber, and a concentration camp. Now, and not without reason, it is an international byword for Yankee imperialism and sadism. Yet the improvement is still, unarguably, the difference between night and day. How is it possible that the advocates of a post Saddam Iraq have been placed on the defensive in this manner? And where should one begin?

I once tried to calculate how long the post-Cold War liberal Utopia had actually lasted. Whether you chose to date its inception from the fall of the Berlin Wall in November 1989, or the death of Nicolae Ceausescu in late December of the same year, or the release of Nelson Mandela from prison, or the referendum defeat suffered by Augusto Pinochet (or indeed from the publication of Francis Fukuyama's book about the "end of history" and the unarguable triumph of market liberal pluralism), it was an epoch that in retrospect was over before it began. By the middle of 1990, Saddam Hussein had abolished Kuwait and Slobodan Milosevic was attempting to erase the identity and the existence of Bosnia. It turned out that we had not by any means escaped the reach of atavistic, aggressive, expansionist, and totalitarian ideology. Proving the same point in another way, and within approximately the same period, the theocratic dictator of Iran had publicly claimed the right to offer money in his own name for the suborning of the murder of a novelist living in London, and the génocidaire faction in Rwanda had decided that it could probably get away with putting its long-fantasized plan of mass murder into operation.

One is not mentioning these apparently discrepant crimes and nightmares as a random or unsorted list.

Khomeini, for example, was attempting to compensate for the humiliation of the peace agreement he had been compelled to sign with Saddam Hussein. And Saddam Hussein needed to make up the loss, of prestige and income, that he had himself suffered in the very same war. Milosevic (anticipating Putin, as it now seems to me, and perhaps Beijing also) was riding a mutation of socialist nationalism into national socialism. It was to be noticed in all cases that the aggressors, whether they were killing Muslims, or exalting Islam, or just killing their neighbors, shared a deep and abiding hatred of the United States.

The balance sheet of the Iraq war, if it is to be seriously drawn up, must also involve a confrontation with at least this much of recent history. Was the Bush administration right to leave—actually to confirm—Saddam Hussein in power after his eviction from Kuwait in 1991? Was James Baker correct to say, in his delightfully folksy manner, that the United States did not "have a dog in the fight" that involved ethnic cleansing for the mad dream of a Greater Serbia? Was the Clinton administration prudent in its retreat from Somalia, or wise in its opposition to the U.N. resolution that called for a preemptive strengthening of the U.N. forces in Rwanda?

I know hardly anybody who comes out of this examination with complete credit. There were neoconservatives who jeered at Rushdie in 1989 and who couldn't see the point when Sarajevo faced obliteration in 1992. There were leftist humanitarians and radicals who rallied to Rushdie and called for solidarity with Bosnia, but who—perhaps because of a bad conscience about Palestine—couldn't face a confrontation with Saddam Hussein even when he annexed a neighbor state that was a full member of the Arab League and of the U.N. (I suppose I have to admit that I was for a time a member of that second group.) But there were consistencies, too. French statecraft, for example, was uniformly hostile to any resistance to any aggression, and Paris even sent troops to rescue its filthy clientele in Rwanda. And some on the hard left and the brute right were also opposed to any exercise, for any reason, of American military force.

The only speech by any statesman that can bear reprinting from that low, dishonest decade came from Tony Blair when he spoke in Chicago in 1999. Welcoming the defeat and overthrow of Milosevic after the Kosovo intervention, he warned against any self-satisfaction and drew attention to an inescapable confrontation that was coming with Saddam Hussein. So far from being an American "poodle," as his taunting and ignorant foes like to sneer, Blair had in fact leaned on Clinton over Kosovo and was insisting on the importance of Iraq while George Bush was still an isolationist governor of Texas.

Notwithstanding this prescience and principle on his part, one still cannot read the journals of the 2000/2001 millennium without the feeling that one is revisiting a hopelessly somnambulist relative in a neglected home. I am one of those who believe, uncynically, that Osama bin Laden did us all a service (and holy war a great disservice) by his mad decision to assault the American homeland four years ago. Had he not made this world-historical mistake, we would have been able to add a Talibanized and nuclear-armed Pakistan to our list of the threats we failed to recognize in time. (This threat still exists, but it is no longer so casually overlooked.)

The subsequent liberation of Pakistan's theocratic colony in Afghanistan, and the so far decisive eviction and defeat of its bin

Ladenist guests, was only a reprisal. It took care of the last attack. But what about the next one? For anyone with eyes to see, there was only one other state that combined the latent and the blatant definitions of both "rogue" and "failed." This state—Saddam's ruined and tortured and collapsing Iraq—had also met all the conditions under which a country may be deemed to have sacrificed its own legal sovereignty. To recapitulate: It had invaded its neighbors, committed genocide on its own soil, harbored and nurtured international thugs and killers, and flouted every provision of the Non-Proliferation Treaty. The United Nations, in this crisis, faced with regular insult to its own resolutions and its own character, had managed to set up a system of sanctions-based mutual corruption. In May 2003, had things gone on as they had been going, Saddam Hussein would have been due to fill Iraq's slot as chair of the U.N. Conference on Disarmament. Meanwhile, every species of gangster from the hero of the Achille Lauro hijacking to Abu Musab al Zarqawi was finding hospitality under Saddam's crumbling roof.

One might have thought, therefore, that Bush and Blair's decision to put an end at last to this intolerable state of affairs would be hailed, not just as a belated vindication of long-ignored U.N. resolutions but as some corrective to the decade of shame and inaction that had just passed in Bosnia and Rwanda. But such is not the case. An apparent consensus exists, among millions of people in Europe and America, that the whole operation for the demilitarization of Iraq, and the salvage of its traumatized society, was at best a false pretense and at worst an unprovoked aggression. How can this possibly be?

There is, first, the problem of humorless and pseudo-legalistic literalism. In Saki's short story *The Lumber Room*, the naughty but clever child Nicholas, who has actually placed a frog in his morning bread-and-milk, rejoices in his triumph over the adults who don't credit this excuse for not eating his healthful dish:

"You said there couldn't possibly be a frog in my bread-and-milk; there was a frog in my bread-and-milk," he repeated, with the insistence of a skilled tactician who does not intend to shift from favorable ground.

Childishness is one thing—those of us who grew up on this wonderful Edwardian author were always happy to see the grown-ups and governesses discomfited. But puerility in adults is quite another thing, and considerably less charming. "You said there were WMDs in Iraq and that Saddam had friends in al Qaeda. . . . Blah, blah, pants on fire." I have had many opportunities to tire of this mantra. It takes ten seconds to intone the said mantra. It would take me, on my most eloquent C-SPAN day, at the very least five minutes to say that Abdul Rahman Yasin, who mixed the chemicals for the World Trade Center attack in 1993, subsequently sought and found refuge in Baghdad; that Dr. Mahdi Obeidi, Saddam's senior physicist, was able to lead American soldiers to nuclear centrifuge parts and a blueprint for a complete centrifuge (the crown jewel of nuclear physics) buried on the orders of Qusay Hussein; that Saddam's agents were in Damascus as late as February 2003, negotiating to purchase missiles off the shelf from North Korea; or that Rolf Ekeus, the great Swedish socialist who founded the inspection process in Iraq after 1991, has told me for the record that he was offered a \$2 million bribe in a face-to-face meeting with Tariq Aziz. And these eye-catching examples would by no means exhaust my repertoire, or empty my quiver. Yes, it must be admitted that Bush and Blair made a hash of a good case, largely because they preferred to scare people rather

than enlighten them or reason with them. Still, the only real strategy of deception has come from those who believe, or pretend, that Saddam Hussein was no problem.

I have a ready answer to those who accuse me of being an agent and tool of the Bush-Cheney administration (which is the nicest thing that my enemies can find to say). Attempting a little levity, I respond that I could stay at home if the authorities could bother to make their own case, but that I meanwhile am a prisoner of what I actually do know about the permanent hell, and the permanent threat, of the Saddam regime. However, having debated almost all of the spokespeople for the antiwar faction, both the sane and the deranged, I was recently asked a question that I was temporarily unable to answer. "If what you claim is true," the honest citizen at this meeting politely asked me, "how come the White House hasn't told us?"

I do in fact know the answer to this question. So deep and bitter is the split within official Washington, most especially between the Defense Department and the CIA, that any claim made by the former has been undermined by leaks from the latter. (The latter being those who maintained, with a combination of dogmatism and cowardice not seen since Lincoln had to fire General McClellan, that Saddam Hussein was both a "secular" actor and—this is the really rich bit—a rational and calculating one.)

There's no cure for that illusion, but the resulting bureaucratic chaos and unease has cornered the president into his current fall-back upon platitudes and hollowness. It has also induced him to give hostages to fortune. The claim that if we fight fundamentalism "over there" we won't have to confront it "over here" is not just a standing invitation for disproof by the next suicide-maniac in London or Chicago, but a coded appeal to provincial and isolationist opinion in the United States. Surely the elementary lesson of the grim anniversary that will shortly be upon us is that American civilians are as near to the front line as American soldiers.

It is exactly this point that makes nonsense of the sob-sister tripe pumped out by the Cindy Sheehan circus and its surrogates. But in reply, why bother to call a struggle "global" if you then try to localize it? Just say plainly that we shall fight them everywhere they show themselves, and fight them on principle as well as in practice, and get ready to warn people that Nigeria is very probably the next target of the jihadists. The peaceniks love to ask: When and where will it all end? The answer is easy: It will end with the surrender or defeat of one of the contending parties. Should I add that I am certain which party that ought to be? Defeat is just about imaginable, though the mathematics and the algebra tell heavily against the holy warriors. Surrender to such a foe, after only four years of combat, is not even worthy of consideration.

Antaeus was able to draw strength from the earth every time an antagonist wrestled him to the ground. A reverse mythology has been permitted to take hold in the present case, where bad news is deemed to be bad news only for regime-change. Anyone with the smallest knowledge of Iraq knows that its society and infrastructure and institutions have been appallingly maimed and beggared by three decades of war and fascism (and the "divide-and-rule" tactics by which Saddam maintained his own tribal minority of the Sunni minority in power). In logic and morality, one must therefore compare the current state of the country with the likely or probable state of it had Saddam and his sons been allowed to go on ruling.

At once, one sees that all the alternatives would have been infinitely worse, and would

most likely have led to an implosion—as well as opportunistic invasions from Iran and Turkey and Saudi Arabia, on behalf of their respective interests or confessional cliques. This would in turn have necessitated a more costly and bloody intervention by some kind of coalition, much too late and on even worse terms and conditions. This is the lesson of Bosnia and Rwanda yesterday, and of Darfur today. When I have made this point in public, I have never had anyone offer an answer to it. A broken Iraq was in our future no matter what, and was a responsibility (somewhat conditioned by our past blunders) that no decent person could shirk. The only unthinkable policy was one of abstention.

Two pieces of good fortune still attend those of us who go out on the road for this urgent and worthy cause. The first is contingent: There are an astounding number of plain frauds and charlatans (to phrase it at its highest) in charge of the propaganda of the other side. Just to tell off the names is to frighten children more than Saki ever could: Michael Moore, George Galloway, Jacques Chirac, Tim Robbins, Richard Clarke, Joseph Wilson . . . a roster of gargoyles that would send Ripley himself into early retirement. Some of these characters are flippant, and make heavy jokes about Halliburton, and some disdain to conceal their sympathy for the opposite side. So that's easy enough.

The second bit of luck is a certain fiber displayed by a huge number of anonymous Americans. Faced with a constant drizzle of bad news and purposely demoralizing commentary, millions of people stick out their jaws and hang tight. I am no fan of populism, but I surmise that these citizens are clear on the main point: It is out of the question—plainly and absolutely out of the question—that we should surrender the keystone state of the Middle East to a rotten, murderous alliance between Baathists and bin Ladenists. When they hear the fatuous insinuation that this alliance has only been created by the resistance to it, voters know in their intestines that those who say so are soft on crime and soft on fascism. The more temperate anti-warriors, such as Mark Danner and Harold Meyerson, like to employ the term "a war of choice." One should have no problem in accepting this concept. As they cannot and do not deny, there was going to be another round with Saddam Hussein no matter what. To whom, then, should the "choice" of time and place have fallen? The clear implication of the antichoice faction—if I may so dub them—is that this decision should have been left up to Saddam Hussein. As so often before.

Does the President deserve the benefit of the reserve of fortitude that I just mentioned? Only just, if at all. We need not argue about the failures and the mistakes and even the crimes, because these in some ways argue themselves. But a positive accounting could be offered without braggartry, and would include:

(1) The overthrow of Talibanism and Baathism, and the exposure of many highly suggestive links between the two elements of this Hitler-Stalin pact. Abu Musab al Zarqawi, who moved from Afghanistan to Iraq before the coalition intervention, has even gone to the trouble of naming his organization al Qaeda in Mesopotamia.

(2) The subsequent capitulation of Qaddafi's Libya in point of weapons of mass destruction—a capitulation that was offered not to Kofi Annan or the E.U. but to Blair and Bush.

(3) The consequent unmasking of the A.Q. Khan network for the illicit transfer of nuclear technology to Libya, Iran, and North Korea.

(4) The agreement by the United Nations that its own reform is necessary and over-

due, and the unmasking of a quasi-criminal network within its elite.

(5) The craven admission by President Chirac and Chancellor Schröder, when confronted with irrefutable evidence of cheating and concealment, respecting solemn treaties, on the part of Iran, that not even this will alter their commitment to neutralism. (One had already suspected as much in the Iraqi case.)

(6) The ability to certify Iraq as actually disarmed, rather than accept the word of a psychopathic autocrat.

(7) The immense gains made by the largest stateless minority in the region—the Kurds—and the spread of this example to other states.

(8) The related encouragement of democratic and civil society movements in Egypt, Syria, and most notably Lebanon, which has regained a version of its autonomy.

(9) The violent and ignominious death of thousands of bin Ladenist infiltrators into Iraq and Afghanistan, and the real prospect of greatly enlarging this number.

(10) The training and hardening of many thousands of American servicemen and women in a battle against the forces of nihilism and absolutism, which training and hardening will surely be of great use in future combat.

It would be admirable if the president could manage to make such a presentation. It would also be welcome if he and his deputies adopted a clear attitude toward the war within the war: in other words, stated plainly, that the secular and pluralist forces within Afghan and Iraqi society, while they are not our clients, can in no circumstance be allowed to wonder which outcome we favor.

The great point about Blair's 1999 speech was that it asserted the obvious. Coexistence with aggressive regimes or expansionist, theocratic, and totalitarian ideologies is not in fact possible. One should welcome this conclusion for the additional reason that such coexistence is not desirable, either. If the great effort to remake Iraq as a demilitarized federal and secular democracy should fail or be defeated, I shall lose sleep for the rest of my life in reproaching myself for doing too little. But at least I shall have the comfort of not having offered, so far as I can recall, any word or deed that contributed to a defeat.

Mr. BOND. But more important, we cannot just play defense against the terrorists. We have to collect more and better information. We have to get information on the location and activities of the next attack that is being planned. Unless we do a good job of that, we cannot have a good chance of stopping the next major terrorist attack on the United States.

I believe one part of that vital solution is found in a robust USA PATRIOT Act that would continue to provide national security investigators with the tools needed to continue to keep our country safe.

The PATRIOT Act has been the subject of national controversy and has undergone many unsubstantiated attacks by its opponents. But the fact is that the PATRIOT Act saved lives, and its original content must be preserved. We need to continue to focus on making sure we have the intelligence and the investigative resources necessary to protect against further attacks. We not only need to make permanent the provisions that are already in law, but we also must modify the current House

version to include expanded authorities needed by national security investigators.

The men and women who are fighting the war on terror every day here at home say that without the PATRIOT Act, many of our Nation's most important successes would not have been possible. It addressed critical vulnerabilities in the pre-9/11 homeland defense posture. For example, it allowed national security investigators, pending a court's approval, to obtain and use a multiple wiretap to track a suspect's phone communications, even when a terrorist switches, changes, or abandons phones to avoid detection, a common terrorist tactic.

Specifically, according to senior law enforcement officials, during the summer of 2002, the act allowed our Nation's law enforcement intelligence communities to break up the Portland Seven terrorist cell. Members of that cell had traveled to Afghanistan in 2001 and 2002 to join the Taliban and al-Qaida against the United States.

In 2004, the act was used to protect the El Paso Islamic Center. When Jared Bjarnason sent an e-mail threatening to burn the center to the ground if hostages in Iraq were not freed, the FBI used provisions of the PATRIOT Act to identify him as the source of the threat. Without the provisions in that act, it would have taken 30 days to obtain a string of needed search warrants, while the threat of attack was only 3 days away.

Why is it that we need to make permanent several of the act's provisions? Why do we need to modify proposed legislation to enhance further the ability of our Nation's law enforcement authorities? Some may argue: If it ain't broke, then don't fix it. But I am a show-me Missourian, and I can tell you that making permanent these provisions is very important.

Terrorism is the operative challenge we face. Over the last 4 years since 9/11, we have seen terrorism and specifically violent Sunni extremists waging war against us and our allies, led and inspired by Osama bin Laden and his lieutenant Ayman Al-Zawahiri. They are not a static, monolithic, or predictable enemy. They do not have a country. They are not identifiable as a nation or a state. They are a combination of stateless hierarchical and formalistic structures, equally lethal and fragmented. Because of the traits in the cultural and religious complexities, they are not predictable, quantifiable, or vulnerable to penetration. We have seen this in the Intelligence Committee, and we know that there is a great danger out there that we must continue to work to avoid.

These groups are highly organized and disciplined. They are inspired by bin Laden and Ayman Al-Zawahiri. They have been led, trained, and funded by graduates of al-Qaida training centers. Our enemy is determined to win. It is committed to victory. We cannot afford just to be hopeful.

As CIA Director James Woolsey once said: It is as if we were fighting with the dragon for some 45 years, slew the dragon, and then found ourselves in a jungle of poisonous snakes. The snakes are a lot harder to keep track of than the dragon ever was.

The PATRIOT Act is designed to be preventive. We know that the terrorists want to bleed us. Unfortunately, we have seen the blasphemy of Osama bin Laden taking the God of Abraham and claiming:

Allah willing, and nothing is too great for Allah.

This videotape was just released. And more recently his deputy, Ayman Al-Zawahiri, released a message saying:

The land and interests of the countries which took part in the aggression against Palestine, Iraq, and Afghanistan are targets for us. If you continue your politics against Muslims, you will see, God willing, such horror that you will forget the horrors of Vietnam.

This is the same kind of challenge and the same kind of threat we saw before 9/11. This, I am saying, requires us to be even more attuned and prepared for a potential terrorist attack.

I also note that in the recent BRAC proposals, we have gotten rid of many of the Air National Guard's air national defense missions. On 9/11, the Air National Guard flew 90 percent of the first 400 combat air patrols after the first 24 hours of the attack. We need to rethink our dismemberment of those critical assets.

Mr. President, I thank my colleagues for their indulgence. We are still facing a danger that we cannot overlook as we deal with the very real and certain tragedies of Katrina. I hope we will be able to continue our efforts to make sure that our law enforcement and intelligence agencies have the kind of resources they need to root out, to ferret out, to discover and, we hope, to defend against future terrorist attacks.

I thank the Chair and my colleagues, the managers of the bill. I yield the floor.

**THE PRESIDING OFFICER.** The Republican whip.

#### SENATE RESPONSE TO HURRICANE KATRINA

**MR. MCCONNELL.** Mr. President, in times of catastrophe, when destruction, suffering, and death are so overwhelming that it breaks your heart and almost leaves you numb, it is comforting to find that an outpouring of generosity, kindness, and help from our fellow man restores our faith and strengthens our souls.

With all the destruction wrought by Hurricane Katrina, we see more and more acts of extraordinary generosity and kindness. In Louisville, Kentucky, my hometown, we are preparing right now to receive over 500 evacuees who have lost their homes due to Katrina. With all their worldly possessions gone, they are reliant on the kindness and generosity of their fellow Americans, and we are finding all across the country that kindness and generosity is certainly not lacking.

Red Cross volunteers in Louisville are working around the clock to turn the city's fairgrounds into a temporary shelter. At home, over 300 families turned out to shower donations on a local Salvation Army center. One man alone brought over 6,000 diapers. Others are bringing basic necessities such as soap, toothpaste, and towels.

This spirit of generosity for our fellow man is by no means limited to the Commonwealth of Kentucky. Across America, we have all seen pictures or heard stories over the last several days of millions of total strangers reaching out to help their fellow citizens who have been displaced by the tragic events on the Gulf Coast. We see Girl Scouts filling old backpacks with clothes, blankets and, yes, a stuffed animal for children who have lost everything. We hear of Boy Scouts collecting food and clothes, as well as raising funds for the Red Cross, the Salvation Army, and other aid organizations. Businesses small and large have opened their hearts, wallets, and warehouses to provide cash as well as in-kind aid. Churches of all denominations have taken up the cause of their brother's keeper.

Thanks to the support of so many Americans, the thousands of people from Louisiana, Mississippi, and Alabama affected by Katrina will have a chance to build new lives. Of course, local, State, and Federal Government has the major role to play at this point. I am pleased we were able to act quickly last week and pass a \$10.5 billion appropriation for emergency response and recovery efforts. We are going to pass later today, hopefully, another \$51.8 billion in assistance, and more will be on the way if and when that is needed.

Our thoughts and prayers are with our fellow Americans who have tragically lost loved ones and with many others who have lost their homes and all of their worldly possessions. The Senate must focus on the immediate task before us of providing support for the relief, recovery, and rebuilding of the Gulf Coast region.

While we have much important work to do in the days and weeks ahead, we can take some comfort that, once again, in the midst of a tragedy, the worst of times seems to bring out the best in our people. So let us appreciate the people of Louisville, of Atlanta, Houston, Baton Rouge, and all over the country who are reaching out to help Katrina's victims all across the Gulf States. While one person alone may make little difference in comparison to the magnitude of this disaster, millions of individual acts of compassion taking place all over our country will go a long way to alleviate the suffering.

Mr. President, I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Delaware.

**MR. BIDEN.** Mr. President, are we still in morning business?

**THE PRESIDING OFFICER.** The Senate is considering the appropriations bill for Commerce-Justice-Science.



AMENDMENT NO. 1661

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendments be laid aside so that I may send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 1661.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide emergency funding for victims of Hurricane Katrina)

At the end of the bill, insert the following:

**TITLE VII—EMERGENCY RELIEF FOR VICTIMS OF HURRICANE KATRINA**

In addition to amounts otherwise provided for in this Act, the following amounts are appropriated for fiscal year 2006 and designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress):

(1) ENHANCING STATE AND LOCAL LAW ENFORCEMENT.—\$1,000,000,000 to the Community Oriented Policing Services function in the following amounts:

(A) \$700,000,000 added to the Hiring section.

(B) \$300,000,000 to the Interoperable Communications Technology section.

(2) ASSISTING CHILDREN IMPACTED BY HURRICANE KATRINA.—Under the Missing Children Program, \$10,000,000 to the National Center for Missing and Exploited Children to find, unite, and transport children impacted by Hurricane Katrina to their parents, legal guardian, or next of kin.

(3) ASSISTING VICTIMS OF SEXUAL ABUSE AND DOMESTIC VIOLENCE.—Under the Violence Against Women Act function, \$8,000,000 for the Office of Violence Against Women to assist victims of domestic violence and sexual abuse in the areas impacted by Hurricane Katrina in the following amounts:

(A) \$2,000,000 for the Rape Abuse and Incest National Network (RAINN) to rebuild crises centers, provide emergency counseling services in shelters, provide emergency counseling services in shelters, provide adequate services in communities with evacuees, and provide adequate short- and long-term support for displaced persons across the country.

(B) \$1,000,000 for nonprofit, nongovernmental statewide coalitions serving sexual assault victims within the State to be used to assist victims of sexual assault affected by Hurricane Katrina as determined by the assessment of statewide coalitions.

(C) \$6,000,000 to be allocated, in consultation with the Department of Health and Human Services, to nonprofit, nongovernmental statewide domestic violence coalitions serving domestic violence programs within the State to be used to assist victims of domestic violence affected by Hurricane Katrina as determined by the assessment of the statewide coalitions, and that the statewide coalitions can assess those needs.

Mr. BIDEN. Mr. President, I have a number of points to make today. The bottom line of what I am proposing is an amendment to the Commerce-Jus-

tice-Science appropriations bill relating to law enforcement and COPS. The bottom line is—and I will explain this briefly—No. 1, I propose adding \$1.019 billion to assist local law enforcement, support victims of domestic violence and sexual assault, and deal with some aspects of the impact of the hurricane on local law enforcement.

No. 2, this amendment contains \$1 billion for the Office of Community Oriented Policing Services, the so-called COPS Program. It provides \$700 million for hiring local officers, and it provides \$300 million for interoperable communications equipment for local agencies. If you ever need any evidence of the fact that we need that equipment and need more of it, I think Katrina has demonstrated that, unfortunately, fairly well.

It also contains \$10 million for the National Center for Missing and Exploited Children to help find and reunite children displaced by Hurricane Katrina, and it has \$9 million to support victims of domestic violence and sexual assault impacted by what happened during this crisis.

It sounds like a lot of money—and it is a lot of money—but we have made a serious mistake relating to our domestic security, our homeland security, and our need to deal with the looming threats that flow from not only national disasters we are facing now—and I hope we don't face another like this—but the terrors spoken about by my friend from Missouri.

In 2002, we were aiding local law enforcement collectively by \$2.4 billion a year. Although there has been some correction made, this administration proposed cutting that direct aid to local law enforcement down to \$168 million. I find that mind-boggling. I find that as misplaced and misunderstood a representation as I do cutting money for levees and cutting money for the Corps of Engineers, as we have done the last 4 years. This is an attempt to not restore all but restore part of the assistance we provided for local law enforcement in the past.

The devastation caused by Hurricane Katrina has revealed the best and the worst about our great Nation. It has revealed a great economic divide that exists among our citizens, while it demonstrated as well the capacity of the majority of our citizens to be compassionate and even heroic during times of great need. It also exposed the demons of some who will use any opportunity to prey on the weak.

The hurricane also demonstrated the best and the worst in our Government. It is clear by all accounts that the Federal response was insufficient, and we will be discussing that in the coming days, weeks, and months to hopefully address the concerns so that, God forbid, faced with this or an attack, we would not go through the same degree of incompetence that seems to have been spread across the governmental front.

It also demonstrates clearly to me we have to do more to support State and

local law enforcement officials. These men and women, in my opinion, demonstrated the best the Government had to offer, as opposed to the sudden incompetence we have seen. The men and women in Biloxi, New Orleans, and other police departments in the region have been working 24 hours a day. Many of them have lost their homes, and their families have been displaced. They have been working with limited food and water.

Many of them do not even have the facilities to take a shower and use a restroom. Lieutenant Bennelli of the New Orleans Police Department stated:

I spent a year in Vietnam. The ordeal that these officials have gone through has been as trying as the time I spent in Vietnam.

For everyone who argues that—and I hear this a lot around here these days—local law enforcement is a local problem, they should take a look at what is happening in the Gulf States. I know many of my colleagues—and I respect my colleagues who have this view, but they are into this devolution of Government stuff, the new paradigm they like to talk about. They talk about the new paradigm in foreign policy. They talk about a new paradigm in local law enforcement in terms of devolution of Government. Translated, that means the only thing the Federal Government should do is those things which no State can do. Or put another way, if the State can do any of what is required to meet the needs of their citizens, only the State should do it.

From men and women on this floor who are equally as adamant about fighting crime as I have been in my years, they are saying they support eliminating the COPS Program. Why? They say it is not the business of the Federal Government. The Federal Government should not be involved in local law enforcement.

Well, I like to point out that 60 percent of all the crimes committed in America relate to drugs, abuse of drugs, the sale of drugs, illicit drugs. Is that a State responsibility or does not that stuff come across the border? Does not that stuff come from the Andes? Does not that stuff come from Afghanistan? Does not that stuff come from abroad? We can have the best police department, the most significant—and I think we have the best law enforcement agencies in the Nation in the State of Delaware, and you cannot stop the drugs coming down from Aramingo Avenue in Philadelphia. They cross State lines. So I respectfully suggest to the devolution-of-Government guys that Federal responsibility exists as it relates to local crime and local law enforcement.

I would like to point out another thing. God forbid we have an attack. Let us assume—and it was not, but let us assume some divers were planting explosives to blow up the levees along the Mississippi as opposed to Lake Pontchartrain, which by the way is a lot higher. Who is going to find them? Is it going to be some brave special

forces officer in night vision goggles watching this happen and they are going to capture them or is it going to be my son who is now in the National Guard down in Gulfport, MS, patrolling the streets? Is he the one going to be doing that? No, it is going to be a local cop.

Who is going to find the guy or the woman or the terrorist who is going to try to put sarin gas into the Houston Astrodome or a giant shopping mall? It is going to be some cop coming from Dunkin' Donuts riding behind the facility catching someone in a dumpster.

I do not know what we are thinking about here. Cutting local law enforcement moneys? Forget Katrina, which only makes the point more starkly, but forget it for a moment. What are we doing? We had a great President named Reagan who said, if it ain't broke, don't fix it.

Guess what. Nobody has argued the COPS Program has not succeeded. No one has argued it has failed. A former Attorney General said, when it was time to eliminate it, I think the word he used was miraculous, it has been a miraculous program.

Let us cut it? Let us eliminate it?

I would make the suggestion that law enforcement is not purely a local problem. Look at what is happening in the Gulf States right now. Law enforcement is a national concern and requires a national response and a national commitment. Local communities need robust police departments. They need superior communication technology and equipment. I know my friends in the Commerce Committee know more about the spectrum fight, which I will not get into now, than most do, but the idea that there is not sufficient spectrum available to our first responders because the broadcast industry is unwilling to commit to the deal they made is beyond me.

Local communities are the ones that not only affect the overall security of the country but the day-to-day lives of their citizens by reducing crime. This also helps local governments be better at responding in periods of crisis. What could be more important to the national priority than the safety of our citizens?

We simply have not been doing right by our States and local government partners over the past few years. Throughout the 1990s we allocated billions of dollars to hire local law enforcement, provided them with the technology they needed. We all know the story. Reduce crime each year for 8 consecutive years and we are still reaping the benefits of those successes as crime rates still go down.

I would like to point out one other simple fact. Having chaired the Judiciary Committee or been its ranking member for I think 17 years and being on that committee for 30 years, to the best of my knowledge, there is no other time in American history when the cadre of those in their crime-committing years, meaning young people be-

tween the ages of 14 and 25, have increased and violent crime has gone down. This program has worked because the States have made it work. We reduced crime, as I said, 8 years in a row. But we did more than reduce crime by this legislation we have cut so drastically. We also demonstrated a commitment to local agencies. We increased their capacity to respond to any situations of the local communities.

In this year's budget, we have allocated only \$2 million to hire police officers. This amount will hire approximately 25 officers throughout the Nation, hardly a ringing endorsement of our local agencies. Right now, the COPS office has pending applications to hire 8,000 local officers left unfilled due to lack of funds. The amendment I am offering today would provide \$700 million to immediately fill these needs with special emphasis on filling the needs of those agencies in the devastated regions. The New Orleans Police Department in particular will need special assistance. If this funding is allocated to the COPS office, it should work with those agencies first.

We also know that network capabilities of agencies in the area have been destroyed. We need to help them get those networks back on line so they can continue to do their job. My amendment would add \$300 million to the current allocation of \$37 million, which is all that has been allocated. It would add \$300 million to help agencies in the gulf coast get up and running again. The COPS office has had an overtime program to help local agencies pay overtime. We all understand the need to assist local agencies that have been working around the clock, but based on conversations with the Louisiana Association of Chiefs of Police and the National Sheriffs Association, it is my understanding that the Federal Emergency Management Agency will be reimbursing local agencies for those costs. Because of this understanding, we have not included additional assistance for overtime in this amendment.

Finally, we include \$19 million for children who have been displaced and to support the domestic violence shelters that have been destroyed. The National Center for Missing and Exploited Children has reported that over 1,000 children have been displaced by this storm—that means they are not with their parents or guardians—and in this amendment we provide \$10 million for that effort.

We also provide \$9 million to support domestic violence victims impacted by the storms. We all heard of the reports of sexual assaults in the aftermath of Hurricane Katrina, and we will support those victims who have not been moved to new shelters.

In addition, this funding will support the shelters in Louisiana, Mississippi, and Alabama that have been impacted and will help support shelters in adjoining States that have been called

upon to do much more in the coming months.

I think all of my colleagues have heard me say that I believe there is not a more important responsibility in Government than the safety of its citizens. It comes before their health, before their education, before everything. There are no civil liberties, there are no opportunities if one is not able to be safe on the street. Without safety and security, nothing else matters. Our local law enforcement agencies are there every day fighting crime and responding to emergencies. Hurricane Katrina demonstrated quite starkly the way we rely on them. The Federal support for these officers has been on a steady decline, as I said at the outset, the past few years. We need to reverse that trend. This amendment will help us get back on track.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Could I ask what the parliamentary situation is?

The PRESIDING OFFICER. The Commerce, Justice, Science appropriations bill is pending.

Mr. SARBANES. I ask unanimous consent that the pending amendment be set aside so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1662

Mr. SARBANES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 1662.

Mr. SARBANES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To assist the victims of Hurricane Katrina with finding new housing, and for other purposes)

On page 190, after line 14, insert the following:

**SECTION 522. HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.**

(a) SHORT TITLE.—This section may be cited as the "Helping to House the Victims of Hurricane Katrina Act of 2005".

(b) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

“(20) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—

“(A) IN GENERAL.—During the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall provide temporary rental assistance to any individual or family, if—

“(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of

a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

“(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

“(B) REGULATIONS.—Not later than 30 days after the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall issue final rules to establish the procedures applicable to the issuance of assistance under subparagraph (A).

“(C) NOTICE.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and such other agencies as the Secretary determines appropriate, shall establish procedures for providing notice of the availability of assistance under this paragraph to individuals or families that may be eligible for such assistance.

“(D) AUTHORITY TO CONTRACT WITH PHA'S AND OTHERS.—The Secretary may contract with any State or local government agency or public housing agency, or in consultation with any State or local government agency, with any other entity, to ensure that assistance payments under this paragraph are provided in an efficient and expeditious manner.

“(E) WAIVER OF ELIGIBILITY REQUIREMENTS.—In providing assistance under this paragraph, the Secretary shall waive the requirements under—

“(i) paragraph (2), relating to tenant contributions towards rent, except that any such waiver shall expire on an individual's return to work;

“(ii) paragraph (4), relating to the eligibility of individuals to receive assistance;

“(iii) subsection (k) and paragraph (5) of this subsection, relating to verification of income;

“(iv) paragraph (7)(A), relating to the requirement that leases shall be for a term of 1 year;

“(v) paragraph (8), relating to initial inspection of housing units by a public housing agency; and

“(vi) subsection (r)(1)(B), relating to restrictions on portability.

“(F) USE OF FUNDS.—Notwithstanding any other provision of law, funds available for assistance under this paragraph—

“(i) shall be made available by the Secretary to individuals to cover the cost of—

“(I) rent;

“(II) security and utility deposits;

“(III) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

“(IV) such additional expenses as the Secretary determines necessary; and

“(ii) shall be used by the Secretary—

“(I) for payments to public housing agencies, State or local government agencies, or other voucher administrators for vouchers used to assist individuals or families affected by the major disaster or emergency described in this paragraph up to their authorized level of vouchers, if any such vouchers are not otherwise funded; and

“(II) to provide operating subsidies to public housing agencies for public housing units provided to individuals or families affected by the major disaster or emergency described in this paragraph, if such a subsidy was not previously provided for those units.

“(G) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

“(H) NONDISCRIMINATION.—In selecting individuals or families for tenancy, a landlord or owner may not exclude or penalize an individual or family solely because any portion of the rental payment of that individual or family is provided under this paragraph.

“(I) TERMINATION OF ASSISTANCE.—Assistance provided under this paragraph shall—

“(i) terminate 6 months after the date on which such assistance was received; and

“(ii) extend for an additional 6 months unless at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

“(21) ASSISTANCE FOR CURRENT VOUCHER RECIPIENTS AFFECTED BY HURRICANE KATRINA.—

“(A) IN GENERAL.—The Secretary shall waive any of the requirements described in clauses (i) through (vi) of paragraph (20)(E) for any individual or family receiving assistance under this section on August 29, 2005, if—

“(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

“(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

“(B) ADDITIONAL USES OF FUNDS.—Notwithstanding any other provision of law, the Secretary shall provide, as the Secretary determines appropriate, supplemental assistance to an individual or family receiving assistance under this section on August 29, 2005, and meeting the requirements described in subparagraph (A), to assist the individual or family with the additional costs of relocating to new housing, including to cover—

“(i) the additional cost of rent and utilities;

“(ii) security and utility deposits;

“(iii) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

“(iv) such additional expenses as the Secretary determines necessary.

“(C) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

“(D) NONDISCRIMINATION.—A landlord or owner may not exclude or penalize an individual or family solely because that individual or family is eligible for any waivers or benefits provided under this paragraph.

“(E) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this paragraph shall—

“(i) apply during the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005; and

“(ii) extend for an additional 6 months after that period, unless if at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

“(22) AUTHORITY OF THE SECRETARY TO DIRECTLY ADMINISTER VOUCHERS WHEN PHA'S ARE UNABLE TO DO SO.—If the Secretary determines that a public housing agency is unable to implement the provisions of this subsection due to the effects of Hurricane Katrina, the Secretary may—

“(A) directly administer any voucher program described in paragraphs (1) through (20); and

“(B) perform the functions assigned to a public housing agency by this subsection.”

(C) REPORT ON INVENTORY OF AVAILABILITY OF TEMPORARY HOUSING.—Not later than 10 days after the date of enactment of this Act, the Secretary of Defense, the Administrator of the General Services Administration, the Secretary of Agriculture, and such other agency heads as the Secretary determines appropriate, shall compile and report to the Secretary an inventory of Federal civilian and defense facilities that can be used—

(1) to provide emergency housing; or

(2) as locations for the construction or deployment of temporary housing units.

(d) APPROPRIATION OF FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated and are appropriated \$3,500,000,000 to provide assistance under this Act.

(2) EMERGENCY DESIGNATION.—The amount appropriated under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Mr. SARBANES. Mr. President, I am pleased to join the leadership of Senator REID and Senator LANDRIEU who have announced a package of proposals to be of assistance to the Hurricane Katrina victims so that the millions of people affected by the devastation along the gulf coast can begin to rebuild their lives.

The amendment which I have sent to the desk is only part of that broader proposal and deals with the housing situation which now confronts the victims of this tragic storm. Before going into the details of the proposal, I want to extend my deepest sympathies to those in Louisiana, Alabama, and Mississippi who have lost loved ones or who are still searching for family members, neighbors, and friends. They need to know that the thoughts and prayers of the country are with them during these very difficult and trying times. We know that hundreds and hundreds of thousands of Americans have lost their houses, their jobs, their belongings, indeed, their communities.

An effort is now underway in the Congress to come to their assistance. We know the road to recovery will not be easy and it will not be short, but we need to undertake these efforts immediately.

It was earlier estimated this week by FEMA officials and told to the President that 500,000 to a million people were rendered homeless by Hurricane Katrina and the deadly floods that followed the hurricane. In fact, yesterday's New York Times reported that as many as a million people are without housing. While the first job was to evacuate people, to get them food and water and to address their medical needs, in other words, to in effect save the lives of those who have been so heavily impacted, I think it is fair to say that the next job confronting us would be to find adequate housing for the survivors of Katrina.

The Americans displaced by the hurricane are scattered throughout the country now. I want to underscore the comments made by some of my colleagues earlier about the opening up of the arms of Americans across the country to take people in in this time of

emergency and the great need. Families coming out of the gulf coast are in effect living wherever they can find a roof over their heads, with relatives, with friends, with caring strangers who have volunteered to take them in, in shelters—for example, Houston opened up the Astrodome—on cruise ships or in tents. It is fair to say if one stops and thinks about this for a moment it is, at best, a temporary housing situation.

The hundreds of thousands of displaced families need to have access to stable housing so they can send their kids to school, start pulling their lives back together again, which is, of course, a pressing challenge, seek employment and chart out a future for themselves.

This amendment, recognizing the overwhelming need for stable housing, proposes an emergency housing voucher program of \$3.5 billion, which would provide temporary rental assistance to more than 350,000 displaced families. It eliminates—I should say more accurately suspends for a limited period of time—many of the requirements and the restrictions that ordinarily apply to the housing voucher program. For example, any person or family displaced as a result of Hurricane Katrina would be eligible to receive this much needed assistance; they could get a temporary housing voucher. This is without regard to their income situation. It recognizes the storm hit rich and poor alike and this is an effort to give them some immediate, short-term help so they can move out of the situation in which they find themselves.

The temporary rental vouchers would quickly and efficiently move families into stable housing across the country in the communities to which they have relocated. So it would give them an opportunity, with the voucher that would come to them, to find housing for themselves and their families. They could move out of the shelters. They could move out of temporary facilities. They could cease to live with relatives, friends or, indeed, strangers.

The rental assistance will be flexible and it will be easy to use. It will have payments sufficient so they can find suitable housing. The funds provided could be used anywhere in the country by those who have been impacted by the hurricane whose situation was created by the hurricane to pay for rent, security deposits, relocation expenses and moving expenses back to the affected areas at the appropriate time. So, if and when the time comes, they could return to their homes if that was the choice.

The assistance would be available for an initial period of 6 months. It is limited. A further 6 months is available, an extension, unless the Secretary of the U.S. Department of Housing and Urban Development finds that the assistance is no longer needed. But the maximum extent of these temporary housing vouchers would be 1 year. It would be 6 months, with a possibility of an extension.

The emergency program would be administered by HUD, which could operate the vouchers directly or provide the vouchers to local housing agencies, State and local governments or other entities, so long as the vouchers get out quickly to those in need.

We have a complicated problem here because the public housing authorities, of course, are locally based. The ones in areas where the people have been displaced are, in effect, out of business. There is no housing there by definition, since people have had to evacuate and leave. These people have now been moved to different parts of the country. We need to be able to get these vouchers to them and get them to them quickly.

We know people want to return to their neighborhoods, but it will probably be months before that is at all possible. Ordinarily, FEMA provides trailers and other housing after a disaster. That is how ordinarily it works. But the magnitude and scope of this disaster is unprecedented. FEMA has never had to deal with something of this magnitude, and it was the judgment, in putting this amendment together, that HUD had an expertise with respect to these rental vouchers. The emergency is a new dimension for HUD, but we thought that they have trained staff and could take over this responsibility and move it forward quickly.

I might note that the Secretary of Housing and Urban Development, Secretary Jackson, earlier in his career, has had very extensive experience directing public housing authorities—in Washington, DC; St. Louis, MO, and in Dallas, TX. So he has had a lot of experience actually on the ground with respect to housing. We think he could marshal the Department and its staff to respond in this situation.

This only begins to deal with the problem. I do not begin to assert that this represents a total or comprehensive solution to the housing challenge. But it enables us to get underway. Any family displaced by the hurricane would be eligible to receive a temporary voucher to pay for renting safe and decent housing, pay for rent, security, utility deposits, relocation expenses, and then eventually, we hope, moving expenses back to their permanent homes. These vouchers could be used anywhere across the country. It would not require a certification of income initially in order to get the voucher, and the families would be relieved of paying the rent, their portion of the rent which is required under the regular voucher program, until family members return to work. Once they return to work, the tenants would have to pay rental payments, as they do in the regular housing voucher program.

We are trying to cover all the bases here. We are trying to be very sensitive to the problem. We are trying to look at the problem through the eyes of those who have been struck by the hurricane, in terms of how they see it.

These people are now there. All kinds of makeshift housing is being found for them. But that, even on a temporary basis, does not represent an appropriate response. So we want to move them a little further down the path toward having a more normal living situation. We ease up a little bit about the amount of rent they can pay. We allow it to go a bit above the median instead of having to be below the median because we know finding rental units will be a difficult job.

As I said, this gives authorities to HUD they do not now have to directly administer the program so they can reach out to these former residents of the gulf coast who are now scattered out across the country. They can work with the housing agencies, State and local governments, and other entities. As I noted, it has a limited time provision. So it would enable us to, in effect, provide all of these people who have had to leave their homes an opportunity to put some stability into their lives. So they could then go on and deal with the other problems that are confronting them—the problems of getting their kids back in school, the problems of employment, the problems of meeting all of the other pressures that have come before us. But we have moved these people out. Some are being held in shelters. Others are being dispersed. But what is the next step for them? We think this represents the next step.

It is a targeted approach. The authorities it gives are temporary. The limitations and restrictions it eases and removes are done on a temporary basis, so it is not permanent in its eventual impact. But it does provide, for the next 6 to 12 months, a degree of stability and a degree of permanence which I think is very important in enabling the people who have been struck by this tragedy to help put their lives back together again. I very much hope, when the appropriate time comes, my colleagues will support this proposal.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I wish to comment on the amendment that has been offered by the senior Senator from Maryland, the ranking member on Housing on the housing voucher program. I want very much to support his amendment because I think it is absolutely crucial that we do this.

There are people who are living under three basic circumstances. No. 1, some are shelters, which is emergency housing. God bless all of the communities, the Red Cross, the people of Texas, and everywhere that have provided shelter housing. But shelter housing is for an

emergency situation, and people do need to move to stable housing.

Then there are those people who did evacuate. They might be of modest means, they might be of middle-class means, but they have been living in hotels and motels along the way. They have been living off of their credit cards. They are now out of money, they are out of gas, and they wonder what to do next. They need to be able to move into housing. Also, in order to be able to get a job, you need an address. In order to get a benefit, you need an address.

Then there is the third group of people who have been embraced by churches, who are living maybe with strangers or even living with relatives. But for many people, their relatives are also on a tight budget, living on a shoestring or a small pocketbook. We have had generosity of spirit, generosity of heart, and even generosity of wallet. But that is limited until people can move into other types of housing.

In this case, as someone who once was an appropriator for HUD, we need so-called housing vouchers, known as Section 8, for either the poor or the elderly. Because of what has happened, everyone is poor and stretched to the limit, with no income. They need help. I believe this program offers both the reimbursement—the voucher—and also enough constraints so that it is not a lavish giveaway program.

The point I also want to make is that housing is really limited, even temporary housing. My colleague, Senator SARBANES, has spoken about FEMA and its trailers. We know about FEMA and its trailers because we were hit by Hurricane Isabel. We were absolutely grateful for them. But when I heard the FEMA trailers were coming to the Eastern Shore or Bailey's Quarters or to Miller Island, I thought they were trailers—almost a version of a manufactured home. When I went to see them and meet with the people in them, they were campers. So when we hear that the trailers are coming, these are not trailers the way we see in a trailer park. These are kind of campers you see for an overnight and they are very limited and they are also very expensive to heat or to air condition. But, thank God when they come.

Yesterday I spoke to one of the leading private-sector people who has a substantial number, whose corporation has a substantial number of employees in both Louisiana and Mississippi.

They tried to rent trailers and RVs to take out to their employees. They were going to get hold of them and lease them—or almost rent free—to their employees so the employees would have a place to work. They would know where those employees were, and begin to put them back to work.

Guess what. They couldn't find any. Practically every trailer and every RV in America is on its way down to the gulf. They have already been purchased or leased. We think that is great. This

is a private sector corporation with deep pockets which is trying to jump in to help.

We have a sense of the magnitude of the crisis. These vouchers will add an "R" to what we need when we talk about emergency management response. I helped to form FEMA. I will not talk about that today. We have a reformed FEMA that went over to the Department called Homeland Security.

I believe when it did that, it lost its focus. But we had three "R's" we practiced: readiness, response and recovery. I am going to add a fourth "R"—reimbursement. We have to reimburse these communities that are taking in people.

Look at Texas and other communities. I know your community, Mr. President, has been very generous. Again, we salute you. But we can end up in compassion fatigue and we need to have a government safety net.

I think this voucher will do a lot. I think it will also do a lot for mental health. If you have your own kitchen, your own stove, your own address, and your children can go to school, not at a shelter—though God bless the shelters—I think it will do a lot to begin to restore people's sense of stability.

I think this is a very good idea. It is temporary. It is time limited, both in terms of the flexibility of the rent, and so on. I think it will go a long way to using the private marketplace and the private sector and also be able to reimburse other nonprofits that are already also finding housing.

I salute my colleagues and the leadership for doing this, and I look forward to supporting it.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to take some time to review the situation we have seen in front of us for the last week. It was a terrible week for our country. One only had to listen to the eloquent remarks given by the Senator from Louisiana, Ms. LANDRIEU. She described in very moving words and tones what kinds of things she personally witnessed and that went on in the State of Louisiana, particularly New Orleans. We all have to learn from that experience. We have to be ready for any eventuality.

The American people watched in horror and disbelief as this incredible tragedy played out on live television in Louisiana, Mississippi, and Alabama. For most of us, it was from the safety of our homes or businesses that we watched with horror our fellow Americans suffering unbelievable loss and pain.

The worst part is, as we watched this tragedy evolve, with thousands being displaced from their homes and families, without a significant response, why did they suffer so long before appropriate action was put into place? That is because the Federal Government was not prepared. How could the administration not have been prepared

for this? We had advance warning that a major disaster was looming. We see this picture. It tells you what is happening. Sunday, August 28, the swirl of the wind and the ferocity of the action is almost enough to frighten you just looking at this picture.

August 28, Sunday, Katrina became a massive hurricane, a category 5. It was in the Gulf of Mexico headed right for a large American city—a city with tradition and history that all of us relate to. Actually, however, this city sat below sea level—New Orleans. The mayor of New Orleans on that Sunday ordered a mandatory evacuation of the city. This wasn't news, friends. No. This was obvious. You were going to get a punch in the face like you never had before, and your opponent was standing full fist in front of you.

Massive flooding was predicted before the storm hit. At 6 a.m. Monday morning, Hurricane Katrina and its storm surge hit greater New Orleans and the Mississippi coast. About 80 percent of the city's residents were able to flee. Others, especially the elderly, the infirm, and the poor were left behind.

Also, on Monday, the 17th Street levee in New Orleans broke, and water flooded the city.

One only needs to ask our junior Senator from Mississippi about the wave of water that destroyed his house. He told me it was 26 feet high. That is more than two stories. Levees gave way, and floodwaters quickly overtook homes. Residents scrambled for their lives, seeking refuge on rooftops. We all saw the vivid pictures of the heroic Coast Guard rescue putting people in baskets, or hanging onto them, around their necks, to get them out of the way of the oncoming flood. More than 30 elderly residents of a nursing home died in that rapidly rising tide.

On Monday, August 29—remember, the first picture was Sunday. That was the warning we saw going on. On Monday, August 29, many in New Orleans were evacuating their homes in rushing waters trying to keep themselves and their families from drowning.

Here is a photo taken about midday that Monday. I would appreciate it if those who see this would keep this time in mind.

That terrible image—look at it. People were standing in water up to their waists. Some are up to their necks, and obviously holding children, and at the same time holding bundles on their heads to keep them dry.

By Tuesday, we saw conditions deteriorating at the Louisiana Superdome where people had already sought refuge. They suddenly needed to move again.

A reporter at the scene told grim stories of no food, no air conditioning, no usable water, overflowing toilets in the Superdome, and of tens of thousands of human beings who were stranded in these inhumane conditions.

While media members were spread across New Orleans, the Federal Government seemed to have no presence

whatsoever. I remember personally watching Jean Meserve reporting for CNN, almost being blown over by the ferocity of the winds, with tears in her eyes, in a quivering voice. She was crying as she gave her report about the horror she was witnessing. She was barely able to hold herself in position.

These desperate people trudged up elevated highways and overpasses. I am sure they assumed that help would soon come. But even though they waited in plain sight on an elevated highway, no help arrived. So they baked in the heat, and they looked desperately toward the skies for any hint of help. But there was little sign from the Federal Government; no sign of help other than the courageous Coast Guard rescue teams pulling people off of rooftops.

On Tuesday, as this devastation was being unleashed on New Orleans, where was President Bush? He flew to California, in the opposite direction of the crisis as tens of thousands of Americans were fighting for their lives, many of them dying. The President was in California. It was an important moment. He gave a speech commemorating VJ Day. I remember VJ very clearly. I was on a ship going from Europe where I served during the war back to America to go on to Japan. It was an important moment. But was it important enough for the President to leave his post, to leave his command, when people were trying to stay alive? This is a picture taken on Tuesday, August 30, 2005. It was 2:56 eastern time, which made it about 2 hours difference in central time, New Orleans. The President was enjoying the day. He was strumming a guitar. I don't deny him the pleasures of office. But people were drowning. They were trying to save their lives, save their homes, and save their kids at the same time. The President was not in touch with the country. It was one of the worst failures of leadership in our Nation's history. It was like an Army preparing for battle only to find out that the top general has gone AWOL.

Millions of Americans asked: How could this happen in the 21st century in America?

Our hearts were broken—all of us, anybody who saw it. I remember conversations with family and friends, and how horrified they were to see people struggling. They heard tales of children being swept from parents' arms, of the woman who sat with her husband as he pleaded for needed medication. And he died in her presence.

Senator LANDRIEU told us the story about the man who was sent to protect the mayor of New Orleans. He stayed with the mayor 3 days. When he went to his home, he found that his wife and children had died. He was so overcome he took a pistol and blew his head off. He committed suicide. How terrible.

What many people do not understand is the incompetence of the leadership in their country. It seems to be almost an indifference. What many Americans

concluded last week is that the Bush administration cannot protect us. When faced with a real crisis, the White House displayed a lack of involvement, a failure of leadership.

To make matters worse, our President refuses to accept responsibility. President Truman—who sat at this very desk; his name is written here—said: The buck stops here.

That is not what we saw from the White House those terrible days. Now the President has an idea about how to determine what went wrong. He wants to begin an investigation, headed by himself. An investigation of self is not the best way to get the facts.

The hurricane that struck New Orleans on August 29 was a force of nature. But the damage and the disaster that followed was compounded by a failure of leadership.

Since the President and the President's team have already mishandled much of this tragedy, I urge my colleagues to roll up our sleeves and follow the lead of Senator LANDRIEU, with Senator VITTER, Senator LOTT, Senator COCHRAN, as we craft a plan for recovery for these devastated communities. We have a moral obligation to rebuild not just these businesses and landmarks but homes and communities, schools in every community, regardless of class or color.

One of our Republican colleagues said something this past weekend, in talking about the people who were suffering so much in the gulf area:

You have people who don't heed those warnings and they put people at risk as a result of not heeding those warnings.

He further said there is a need to look at tougher penalties on those who decide to risk it and understand there are consequences for not leaving; to administer more punishment to these people who did not heed the warning, who did not want to leave their homes, who did not want to leave their familiar territory, who did not want to leave a relative, perhaps; to put more punishment on them, suggesting that losing a child, losing a home, losing momentos, or losing a history is not enough. We should punish them further? A Senator suggested that. What an outrage. Yes, he yielded later and said he might have been misunderstood. Read that Senator's words.

We have to learn from this terrible tragedy. The country certainly is alert to the risks we face from terror, from human-initiated attack. In the State of New Jersey we lost 700 people; New York, almost 2,000. We learned a lot. We learned we have to protect ourselves. It appears the number of dead in Louisiana and Mississippi is going to exceed the number, as terrible as it was, of September 11. So we have to prepare ourselves in some way to deal with that problem just as ardently, just as thoroughly, as we fight terrorism.

We need to pass legislation as soon as possible. I hope we will not be delayed in doing that by recriminations from

those who would pass the buck elsewhere, away from the place the responsibility belongs.

We need to tell the gulf coast community that we believe in them, that the road to recovery is being built, and that we will then proceed to examine the history of what got us there. People understood in many quarters the levees were weak. The question arises about what we did to shore them up. I hope that examination will take place in the immediate future.

We salute those people who have endured the most unimaginable tragedy—to have loved ones swept away by flood waters, to have memories taken away. In lots of places it was not just the housing but the memorabilia, the trinkets of childhood, childbearing, raising kids, and seeing it disappear. We have to be stronger. We have to be more leaderly. We cannot be AWOL when trouble strikes. I hope we will work together on a bipartisan basis, as they say, and do the right thing.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

#### AMENDMENT NO. 1665

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself, Senator GRAHAM, and Senator STABENOW.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. GRAHAM, and Ms. STABENOW, proposes an amendment numbered 1665.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit weakening any law that provides safeguards from unfair foreign trade practices)

On page 190, between lines 14 and 15, insert the following:

SEC. 522. None of the funds appropriated or otherwise made available by this Act may be used to negotiate or enter into a trade agreement that modifies or amends any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including (1) imposition of countervailing and anti-dumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.); (2) protection from unfair methods of competition and unfair acts in the importation of articles (section 337 of the Tariff Act of 1930; 19 U.S.C. 1337); (3) relief from injury caused by import competition (title II of the Trade Act of 1974; 19 U.S.C. 2251 et seq.); (4) relief from unfair trade practices (title III of the Trade Act of



1974; 19 U.S.C. 2411 et seq.); or (5) national security import restrictions (section 232 of the Trade Expansion Act of 1962; 19 U.S.C. 1862).

Mr. DORGAN. Mr. President, this is an amendment that is relatively simple. It would prohibit funding in this bill for our trade negotiators to enter into any agreement that would weaken U.S. trade laws, such as antidumping laws and countervailing duty laws. Let me describe why these are important.

We have provisions in our law that establish some level of protection for American industries if some foreign company or foreign country decides to dump products into our country at artificially low prices in order to capture a market or destroy an industry. These are the antidumping laws. We also have laws that provide for the opportunity to apply countervailing duties on products that come into this country that are unfairly subsidized and attempt to undercut American businesses.

Why do I offer this amendment? Because we have U.S. negotiators who are engaged in WTO negotiations who are saying that everything is on the table; we are willing to negotiate away the protections that exist for fair trade for American businesses, American jobs, and American industries.

We have the highest trade deficit in the history of this country. We have massive numbers of American jobs moving overseas every single day. American companies are closing their businesses, and American jobs are moving overseas.

I have told the story repeatedly—and I will not tell it in great depth again—about Huffy bicycles. They used to be an American company. No longer. Huffy bikes are now made in China. Those proud workers in America made \$11 an hour plus benefits. They all got fired. Were they bad workers? No. That company makes Huffy bicycles in China now and pays 33 cents an hour, working workers 7 days a week, 12 to 14 hours a day, and then they ship the Huffy bicycles back to this country to be sold.

Interestingly enough, since they moved to China, Huffy has declared bankruptcy. It has now been purchased by a Chinese company, and they say they still want this to be one of the leading brands in America. Notice that I said “brands.” They don’t want to make them here. It is too expensive to pay \$11 to American workers to produce bicycles in this country; they just want the right to sell them here.

I have given long speeches about the fact that Levi’s doesn’t make a single pair of Levi’s anymore. That great American brand is now produced offshore. They are made by contract production in Haiti, Sri Lanka, Indonesia, Bangladesh, India, and China.

I have given speeches about the fact that if you wear your Tony Lama cowboy boots, they may not be American; they may be Chinese.

I have given speeches talking about the fact that if you like Mexican food, you can eat Fig Newton cookies, be-

cause Fig Newton moved to Monterey, Mexico. So if you want Mexican food, go buy Fig Newtons.

I have given speeches at length about jobs leaving this country. We have the biggest trade deficit in this country. It is dangerous. The question is, When will this country have the nerve, the backbone, and the will to stand up for the economic interests of this country?

I am not suggesting putting walls up around this country; I am just suggesting demanding fair trade. We had people die on the streets of this country for the right of workers to organize. In the last century, we decided issues about minimum wage, about child labor laws, about rules that say you cannot dump chemicals into the air and the water from your production plant.

We had people work very hard over a century to achieve these rules and regulations, which establish decent conditions of production. One can now escape all that by pole-vaulting over it. Move the plant to China, move the plant to Bangladesh, move the plant to Honduras and hire workers who will work for pennies on the dollar. Hire workers who will work for 33 cents an hour. Hire 12-year-olds and pay them 12 cents an hour and work them 12 hours a day and then ship the product to Los Angeles, Detroit, Fargo, or Mobile. Meanwhile, who is going to buy these products when American jobs have been lost, American workers are told they are no longer affordable, their jobs are gone?

Little Red Wagon Radio Flyer, we all rode in that Little Red Wagon when we were kids. For 100 years that company produced in this country, and now it is all gone. So it can be produced more cheaply, less expensively by hiring workers who will work for pennies an hour.

As we engage in new trade negotiations, which threaten to once again pull the rug out from under American workers and American businesses, this amendment says something very simple: We will not allow the funding we have approved in this appropriations bill to be used to weaken our trade laws.

The United States-China Commission, a bipartisan commission established by Congress, sent us a letter August 1, 2005, that warned that the proposals that our trade negotiators are discussing with respect to antidumping and countervailing duties “could severely limit our ability to protect our economic interests.” That is from the United States-China Commission, a bipartisan commission.

The Commission reiterated the proposals put on the table by foreign negotiators “could have substantial impact on our nation’s ability to utilize our trade laws and ensure that American farmers, workers, and businesses have the tools they need to respond to unfair and predatory foreign trade practices.”

So the question for us is, Are we going to do anything about that? I

hope the answer is, yes. I hope the answer is to say to our trade negotiators that we understand that foreign negotiators are proposing to weaken our trade laws. Our trade negotiators must have the backbone and the will to stand up for our economic interests, something they have not been willing to do for a long time.

I offer this amendment, which is a prohibition on funding. It is germane, and I hope to have a vote on it when we have had a proper amount of time to discuss it.

One final point. I intend to offer another amendment which I cannot offer at this moment. It is an amendment that I will offer to other appropriations bills as well if it is not acceptable here, and that is to establish a Truman-type committee to investigate the waste, fraud, and abuse in contracting that is going on in the Middle East, particularly in Iraq. I have described the conditions of Halliburton and other companies that have been given billions of dollars, have wasted a substantial amount of money, are now under criminal investigation, and are given a slap on the wrist and a pat on the back and more money and nobody seems to care. I believe there ought to be a Truman-type committee of the type Harry Truman headed long ago when there was a Democrat in the White House and a Democratic Senator said: We must investigate this kind of spending and profligate waste and abuse.

I will ask that the Senate at some point decide that there ought to be oversight on what is happening to the taxpayers’ money. I will offer that amendment tomorrow. I have offered this amendment today for its consideration, and I hope that as we go along that we will be able to get a vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, is it appropriate to speak on hurricane matters at this time?

The PRESIDING OFFICER. The Senator may speak on any matter he wishes at this time.

Mr. SESSIONS. Mr. President, Hurricane Katrina was a colossal natural disaster. Every hurricane is different. They bring different stresses and different damages. My home is in the city of Mobile, Alabama, right on the gulf coast. We were without power for 3 days. Trees and houses were damaged. Portions of the city were flooded that have not been flooded before. We experienced the highest surge of water up Mobile Bay driven by this storm that we have seen in anybody’s lifetime there.

The surge in the fishing communities of Bayou La Batre and Coden were unlike anything they have seen before—my best estimate is 5 feet deeper than we have ever seen before. I spent 3 days in that community working with and talking to the people. Many of them lived in small framed houses, some in

mobile homes and things of that nature, that they have lived in for quite a long time in areas that had never flooded before but flooded this time.

I will share a story of heroism that is symbolic of what happened, I am sure, throughout the gulf coast. It is regarding a young State trooper a corporal, Spencer Collier, also an Alabama State legislator, a wonderful young man, my wife and I have come to admire him so much whose house flooded, as did most of the leaders of the town of Bayou La Batre. The town began to receive 911 calls at the height of the storm. He and a marine resource officer and others, got in a vehicle and drove down to where the water was rising with 100-mile-per-hour winds blowing. They put their boat out and, before they could cast off, the water had risen so fast that the entire vehicle was flooded. They went out and they made the first trip to rescue stranded individuals. They went out in this storm, traveling almost a mile to an area where water had never reached before in this town. They rescued people and brought them back.

Unfortunately, the first boat sank. Mayor Stan Wright had a flat-bottom boat and they put it to work. He said it was a good boat. It worked quite well, but the bottom was thin and they were worried about it. They went out in these waves and in this storm under great live oak trees that were blowing, houses had been completely demolished towards the beach as well as inland. The water was littered with trash and debris, and they made six trips and brought people out. One lady had several children. So they left one of their group there holding two of the children. They took the boat back, came back again and got the children, and they had to leave the guy because they did not have room in the boat.

All the time his house was being flooded, and he spent days, as did the other members of the city government, working for the people of that community, even though their own homes were flooded. So that is the kind of thing we are talking about.

I talked to people remaining in town the next day. The storm ended Monday night. We still had strong winds at 5, 6, 7, even 8 at night. It began to calm down after going all day long. I talked to those people Tuesday afternoon. Many of them were in food lines provided by the good old Salvation Army. They were the first ones there serving hot meals, with a tub of ice and bottled water. People were lined up. They had not had a meal. The electricity was all off. The phones were off. Most of the cell phones did not work. Cell phone batteries quickly go down. They could not make phone calls. They lined up there. Several in that first line I talked to said: Senator, this is all we have. We lost everything we had. These clothes on my back are all we have. We had to get out of our house. The water flooded everything. I don't know what we are going to do.

I met a young lady who asked me that night what about her grandfather's Social Security check? They were from New Orleans. They left the New Orleans area. They had come up here. They were expecting to go back. I knew what she was saying. She was saying they did not have any money. I called Wallace Davis of the Volunteers of America, a great organization in the Mobile area, and he really came through. I asked him to do what he could, and he immediately went into action. He brought some of his own money.

He said: I have money. I am telling you I have seen hurricanes before, and some people just need a little cash.

They gave them a little cash, and I saw her the next morning and she was a new person. That would allow them to get to other relatives and maybe stay with them and get gasoline or food in that fashion.

So I want to say this: Many of the homes there are lost. On the east end of Dauphin Island, which is a sizable barrier island with a great many beachfront homes on it, one-third of the homes are completely gone, one-third badly damaged, and one-third somewhat damaged on the island. On the west end, the percentage of homes lost was even greater. The homes that were for many years on beautiful Mobile Bay around Point Clear and the Grand Hotel, homes that had not flooded before, flooded because of this surge of water. Homes that were built up high in recent years under hurricane restrictions did not flood, but many of those old homes suffered a good deal of damage.

I just say that to point out that, without a doubt, we are going to have to spend more on this hurricane than we have ever spent before. People need us now. Many of these people I have talked with and I met were working class American citizens not living on the beach. People on the beaches, for the most part, have a second home. They have insurance. Maybe they can get by, although they are going to take a big hit. But these people were hurting, and hurting badly. We are going to need to step it up.

When I see the damage from the incredible force of this hurricane on the Mississippi coast, our neighbors, and then in New Orleans with this incredible levee break and the floods there, I know we are in for a big job.

I served as a U.S. attorney for 12 years. I had the responsibility, even as an assistant U.S. attorney in the 1970s after Camille, to survey the aftermath. I had to prosecute people for fraud, theft, and abuse in hurricane cleanups. When this much money gets put out this fast, there is a real danger of mischief.

I have been in the Senate long enough to get a feel for things. I believe that the Senate is now in a bit of a hurricane mode; that all of Congress is—maybe even the White House—and that mode is that we do not need to be

too careful. We need to get money out fast, and we need to pour it in there, and if we need 50,000 troops, let us send 70,000 to make sure.

Now we are seeing figures that it is going to cost \$200 billion to complete this reconstruction. All of us know there is no money to pay for this. It is not coming out of our regular budget. That is not the plan. It will come in an emergency supplemental appropriations bill, and that means it will be added straight to the national debt, and our children and grandchildren will pay it, plus the interest that accumulates on it.

So I think this Congress is doing the right thing in moving forward rapidly, but I think our majority leader, our appropriations leaders, our House leadership, and the President also need to be thinking about how to spend the money responsibly. Trust me, there will be abuses. People think we can just send our military to the region, but the Department of Defense is going to charge the disaster fund for the money they spend. These expenses will be allocated to the disaster. All the other responding Federal agencies are going to bill the fund for the disaster-related expenditures they incur as well.

We are so pleased to see that States are just doing whatever it takes to bring schoolchildren in from these areas and do extra things for them, but we are already hearing—as we did this morning—they want to be paid for it by somebody. They ought to be paid for some of that.

Governor Riley, in Alabama, has said that we will take any schoolchild who is in our State but cannot go home. We will take them. We will put them in a school somewhere in Alabama. Our community colleges have said that, no matter what, we will take you. If you don't have tuition right now, we will still take you anyway.

While this is happening, people are making contributions and I think that is important. But \$1 billion is a lot of money. We probably have less than 5,000 homes seriously damaged in our area. Maybe it is 4,000 in the Bayou La Batre area, or maybe less. If you gave me \$1 billion, I could build 10,000 new houses worth \$100,000 each. One billion dollars is a lot of money. A billion dollars is a thousand million.

But, now we are going to be in a big rush. FEMA is going to pay people who did not have flood insurance. Most of them should have gotten it. They should have, but they will still qualify under the grant program and can receive up to a maximum—all of them wouldn't get this much—up to a maximum of \$26,000. I asked FEMA's Mr. Burns today if he discussed with the Senators how much it would be, and he said the maximum would be up to \$26,000. That will include, I think, the \$2,000 that some received today. So it would be \$24,000, maybe, for someone who already received the money.

I said, when do you pay it? Apparently, we are already beginning to pay

it. It is like flood insurance, I guess. If you have insurance and your house is destroyed and the adjuster comes out and admits your house is destroyed, they write you a check, sometimes on the spot.

So this money is going to run out quickly. If this money is being allocated this quickly—before somebody has come up with a plan about which neighborhoods should be rebuilt—in Alabama, Mississippi, or even in New Orleans—we could end up with that money being unwisely spent and maybe not having enough money to help people construct the kind of houses they would like.

Senator SHELBY, I, and Congressman JO BONNER talked with Secretary Alphonso Jackson of HUD when he was in Mobile, AL, last week. We discussed with him the possibility of using the FEMA money—whatever they get—plus some of the loans HUD already has for people of low income, to help buy a home. What if we use a small portion of these millions of dollars that are coming from charitable organizations? Maybe we could get some real estate people and some architects to help us redesign some of these communities and make them both beautiful and habitable—and safe so this wouldn't happen again.

Do you see what I am saying? There are so many things happening right now, so fast. Some of this, almost by law, is required to be done in this fashion.

We need somebody, I believe, to be a manager for the President. I am offering a sense-of-the-Senate resolution to call on the President to choose a person of his liking to be his representative with regard to spending, fraud, management, and reconstruction. I believe that the President should do that. It would be a person of his choice, in the mode of a Mit Romney or Peter Uberhoff who were put in charge of Olympic Games and billions of dollars in finances at stake there. We need someone with real experience who doesn't have a political agenda, someone who would come in and report to the President on a daily basis, report to the Director of the Office of Management and Budget, and who could call on the Cabinet to help coordinate the relief. You might say he will not have any power. Listen, I spent a long time in the Federal Government. I know who has power in the Federal Government. The person who has power in the Federal Government is the person the President says has power. If he chooses this person and he tells his Cabinet: I selected him and I want you to work with him. If he asks you to do something, I hope you will do it. If you can't do it, I want him to tell me, and you can come explain to me why you didn't do it. That is all it takes. Things will start work better.

Anyway, I am hoping something like that will happen because this is so massive and the potential for fraud and abuse is so great we are going to have to watch it.

We have towns and communities that are badly hurt. They have lost sales tax revenues and now they are going to be fighting for every dime they can get. They are going to be pushing the rules and regulations to the breaking point and beyond. We are going to have Congressmen and Senators browbeating us in here with stories that say: Forget the rules, send out the money. We all know that is going to happen. But I don't think the people of my State want us to waste any money.

The people of my state want to help people in need. They want to be generous. They expect this Government to respond, and respond quickly, to take care of people whose lives are at risk.

The people of my state know that this is bigger than we have ever seen before. They know that anyone can make mistakes and that you cannot anticipate certain things. They want the government to constantly get better and improve our response.

But they don't want us wasting money. They don't want us throwing money at a problem that we have not thought through carefully. They want us to be careful with their money.

In fact, if we are careful, we can get a lot more good done for a lot more communities. At this point I am not at liberty to explain to you what I think ought to be done. I am not able to. I don't know what ought to be done and how, precisely, the money should be spent at this time. But I have been there in the aftermath of hurricane cleanups, and I am telling you, it is a difficult thing to keep control of. The government will spend your money before you know what happened to it.

That has happened before when there was a far smaller area of devastation than we have today. FEMA is going to be stretched from Louisiana to the Florida line. We have more people involved here than almost any hurricane ever, and the extent of the disaster is larger than ever. It is going to be even more difficult to monitor this recovery carefully. Some things are not going to be able to be done as fast as we would like to see them done. But if we do it right, I think we can meet the needs of our people, be generous to the American people, and also maintain the rule of law as we go forward.

There are some special things that are going to be needed to be done. I talked to Senator LOTT, and he is correct. Normally, when a hurricane hits and a person has trees down in their yard and shingles off their roof, that person takes all that to the street. They are responsible for it. They cut up the limbs, bring them out to the road, and FEMA pays for someone to come by and pick it up. It is a marvelous thing, I am telling you. If everyone had trees down in their yard and if everybody had to hire a tree surgeon to come haul them away, it would be an incredible cost. Volunteers come in with power saws and help people do it, and neighbors help neighbors, and you get that done. But if your house is

blown away, the streets do not just have trees gathered up. There are whole chunks of houses, debris, foundations, nails, lumber, glass, and that kind of thing. It is more than the widow lady or the elderly can do to get that out there to the street.

We are going to have to create some rules, particularly in these areas that are hardest hit. We must allow the Federal Government to help compensate, and it must be allowed go onto the private property and help get some of this debris away. Many of the people will have lost their jobs and don't have an income. They will not be able to have that done on their own.

Those are some of my thoughts. I salute the majority leader and the Democratic leadership for moving the \$10 billion supplemental promptly. That was a good thing last week.

Under the Anti-Deficiency Act, FEMA cannot expend a dime that has not been authorized by Congress. FEMA has already used up all of that money. It is a crime for them to violate the law that says you can't spend money Congress has not appropriated. The result is that we must come back and do it again quickly. We are running out of money again quicker than we thought, and we had to respond.

I salute the majority leader for bringing us up to date and doing it fast, but I say we are moving awfully fast now. It is time for our leadership, both in the Congress and in the White House, to ask how can we make sure we have integrity, wisdom, and good sense in handling this disaster.

If we do so, we can make some of these communities bloom again. We can make some of these towns and areas as beautiful as they were before. It has happened before. We have had disasters and we bounced back before, and we will bounce back again. It is the right approach.

I thank everybody in this country—faith-based groups, volunteers, civic groups—for the resources they provided to our people in Alabama. We got a call from the national group that makes modular housing and they were sending five office trailers down. They agreed to send one to Mobile. I talked to them. A group from Indiana sent in two 53-foot trailers. A businessman in north Alabama sent \$100,000.

The mayor of Ozark sent down two trucks and himself and a whole team to help. He adopted the city of Bayou La Batre. The mayor of Gadsden in north Alabama adopted the town of Bon Secour. Steve Means, the mayor of Gadsden, came down and was of great help and assistance. That kind of thing was helping, spontaneously, with resources all across the country.

We are hopeful, pleased, and thankful. And that is the most common feeling I have observed, as did my wife, who served in the food lines in Bayou La Batre and talked to people. People are thankful. It is amazing. You begin to count your blessings and recognize what is important in life when that occurs.

Also, people are not whining, not the people I have talked to. They know this was a storm that nobody caused. They know it is a difficult time. They are thankful for the assistance they have received from their neighbors, and they are not complaining about the situation. It has made me proud to represent them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1669

Mr. SUNUNU. Mr. President, I ask unanimous consent the pending amendments be set aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I ask for consideration of an amendment that I had earlier sent to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] PROPOSES AN AMENDMENT NUMBERED 1669.

Mr. SUNUNU. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence)

On page 131, line 14, strike "\$15,000,000" and insert "\$30,000,000".

On page 134, between lines 4 and 5, strike "\$170,000,000" and insert "\$230,582,000".

On page 134, between lines 4 and 5, strike "\$30,000,000" and insert "\$48,418,000".

On page 156, strike lines 3 through 7 and insert the following:

In addition, for necessary expenses for existing grant projects of the Advanced Technology Program of the National Institute of Standards and Technology, \$46,000,000, to remain available until expended.

Mr. SUNUNU. Mr. President, I offer an amendment today to make some changes in the funding allocations that are found in this bill. I very much appreciate the work of the subcommittee chairman and the ranking member. I know, having served on the Appropriations Committee in the House, it is not an easy task. You are asked to set a lot of priorities, to make a lot of decisions about a good deal of money. It is not an easy task, but the purpose of bringing the bill to the floor is to give us an opportunity to adjust those priorities. I attempt to do so in this amendment in a couple of ways.

In this amendment I increase the funding in two general areas: first, in the area of border security and prosecution of illegal aliens who have committed crimes. This is an area that I think many people would say is in crisis right now, the problem with securing our borders, the problem with illegal aliens, and specifically the problem of dealing with the costs associated with illegal aliens who are committing

crimes, violent crimes and otherwise. In this amendment I increase funding for the Criminal Alien Assistance Program by \$60 million. It is still well short of the funding that has been provided in the companion bill in the House.

But it is an increase which I think will be well used. It deals in the area of illegal immigration and criminal alien assistance that I think most everyone agrees is in a crisis situation now with the state of emergency having been declared in parts of the Southwest to deal with this type of problem.

Similarly, this amendment increases funding by \$18 million for the Southwest Border Initiative that deals with prosecution, helping our Southwestern States deal with the costs associated with prosecuting aliens that have committed crimes against the laws of those States and the Federal Government.

It brings that level of funding up to the President's level. I think the President's request in this particular area was well warranted, given how much attention has been given to the problem of illegal aliens in recent years.

This increases funding in this critical area by \$78 million.

My amendment also provides additional funding of \$50 million to transitional housing for women who have been exposed to domestic violence. This is a relatively new program. It is authorized at \$30 million per year. The bill appropriates only \$15 million. I would increase that to \$30 million for this transitional housing program, which is part of the programs authorized under the Violence Against Women Act. Transitional housing is critical. It meets the needs of those who require emergency shelter services or crisis intervention. There is no other program funded by the Federal Government that provides transitional housing solely for victims of domestic violence and sexual assault. This is not typically the case in the Federal Government. There are no other sources of funding, and we ought to provide funding at the authorized level.

In the State of New Hampshire, there are 12 emergency shelters for battered women. The average length of stay is about 27 nights.

Therein lies the immediate need for transitional housing. I think that is probably a story that is repeated in State after State.

I think it is not only a worthwhile area but an area in need of funds, an area where there are no other programs at the Federal Government level for meeting this need.

The funds that I allocate to deal with criminal alien prosecution and transitional housing for those affected by domestic violence will come from the Advanced Technology Program, APT. This is a program that has long been targeted for elimination. The funds over the last several years have been phased down.

Last year, funding was provided only for existing contracts—for no new con-

tracts. I think it makes sense to at least hold the line at that level. So I scaled back funding to a level that is appropriate to cover all the existing contracts so anyone who has an obligation under ATP will have that obligation met. We simply would not provide funds for additional contracts. I think that is the right policy. I think the entire program should be phased down and eliminated for a few fundamental reasons.

First and foremost, this duplicates what already exists in the private sector. The ATP program gives funding to private companies that are developing new programs. That is why we have a venture capital system. That is why we have the private banking system. That is why we have private equity funding—to support companies that are competing in the marketplace and developing new products every day. I used to work for a technology firm. We developed new products, and we certainly didn't look to the Federal Government to fund new product development. It is a historic marketplace because inevitably you will have a bureaucrat in Washington deciding which new product ideas get funding and which do not. That is not a good idea and not a good use of public resources—to try to pick winners and losers in the product development marketplace.

Finally, these are funds, resources, public funding that are going to private companies, many of which are very profitable and very successful. We shouldn't have an industrial policy at the Federal level that provides unnecessary subsidies to private corporations.

I think we can do better. We can find better areas in which to allocate these resources—dealing with illegal immigration, crimes committed by illegal aliens, and transitional housing for those affected by domestic violence.

Those are certainly priorities that are much more significant, much more valuable, much more appropriate than a project that subsidizes private companies.

The final point about the Advanced Technology Program: It has been allocated at over \$100 million, \$150 million to \$200 million, depending on how far back in time you go.

I simply ask my colleagues to consider, if they were at a company, say, that was developing microprocessors, and one of their competitors was being given a subsidy by the Federal Government to do the same thing, would you think that was fair? If you were developing heating equipment and one of your competitors was being given a product development subsidy by the Federal Government, would you think that was fair?

This distorts the marketplace. It is simply not a good use of taxpayer money, but we only scale it back to the extent that all current obligations continue to be met.

I think this is fair, it is the right thing to do, and I ask my colleagues to support the amendment.

I yield the floor.

#### NOTICE OF INTENT

Mrs. CLINTON. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, the Science, State, Justice, Commerce appropriations bill, the following amendment:

S.A. 1660

At the appropriate place, insert the following:

#### TITLE —KATRINA COMMISSION

##### SEC. 01. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Katrina Commission (in this title referred to as the "Commission").

##### SEC. 02. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

##### (b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens who represent a diverse range of citizens and enjoy national recognition and significant depth of experience in such professions as governmental service, emergency preparedness, mitigation planning, cataclysmic planning and response, intergovernmental management, resource planning, recovery operations and planning, Federal coordination, military coordination, and other extensive natural disaster and emergency response experience.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before October 1, 2005.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

#### SEC. 03. DUTIES.

The duties of the Commission are to—

(1) examine and report upon the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States of America especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath;

(2) ascertain, evaluate, and report on the information developed by all relevant governmental agencies regarding the facts and circumstances related to Hurricane Katrina prior to striking the United States and in the days and weeks following;

(3) build upon concurrent and prior investigations of other entities, and avoid unnecessary duplication concerning information related to existing vulnerabilities;

(4) make a full and complete accounting of the circumstances surrounding the approach of Hurricane Katrina to the Gulf States, and the extent of the United States government's preparedness for, and response to, the hurricane;

(5) planning necessary for future cataclysmic events requiring a significant marshaling of Federal resources, mitigation, response, and recovery to avoid significant loss of life;

(6) an analysis as to whether any decisions differed with respect to response and recovery for different communities, neighborhoods, parishes, and locations and what problems occurred as a result of a lack of a common plan, communication structure, and centralized command structure; and

(7) investigate and report to the President and Congress on its findings, conclusions, and recommendations for immediate corrective measures that can be taken to prevent problems with Federal response that occurred in the preparation for, and in the aftermath of, Hurricane Katrina so that future cataclysmic events are responded to adequately.

#### SEC. 04. FUNCTIONS OF COMMISSION.

(a) IN GENERAL.—The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the catastrophic impacts that Hurricane Katrina exacted upon the Gulf Region of the United States especially in New Orleans and surrounding parishes, and impacted areas of Mississippi and Alabama; and

(B) shall include relevant facts and circumstances relating to—

(i) Federal emergency response planning and execution at the Federal Emergency Management Agency, the Department of Homeland Security, the White House, and all other Federal entities with responsibility for assisting during, and responding to, natural disasters;

(ii) military and law enforcement response planning and execution;

(iii) Federal mitigation plans, programs, and policies including prior assessments of existing vulnerabilities and exercises designed to test those vulnerabilities;

(iv) Federal, State, and local communication interoperability successes and failures;

(v) past, present, and future Federal budgetary provisions for preparedness, mitigation, response, and recovery;

(vi) the Federal Emergency Management Agency's response capabilities as an independent agency and as part of the Department of Homeland Security;

(vii) the role of congressional oversight and resource allocation;

(viii) other areas of the public and private sectors determined relevant by the Commission for its inquiry; and

(ix) long-term needs for people impacted by Hurricane Katrina and other forms of Fed-

eral assistance necessary for large-scale recovery;

(2) identify, review, and evaluate the lessons learned from Hurricane Katrina including coordination, management policies, and procedures of the Federal Government, State and local governments, and nongovernmental entities, relative to detection, planning, mitigation, asset prepositioning, and responding to cataclysmic natural disasters such as Hurricane Katrina; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

#### SEC. 05. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this Act—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

#### SEC. 06. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 10.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

#### SEC. 07. STAFF OF COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with the vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under sec-

tion 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

#### SEC. 08. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

#### SEC. 09. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

#### SEC. 10. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 6 months after the date of the enactment of this title, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

#### SEC. 11. FUNDING.

(a) EMERGENCY APPROPRIATION OF FUNDS.—There are authorized to be appropriated \$3,000,000 for purposes of the activities of the Commission under this title and such funding is designated as emergency spending under section 402 of H. Con. Res. 95 (109th Congress).

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

#### NOTICE OF INTENT

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 2862 the following amendment:

S.A. 1670

At the appropriate place, insert the following:

#### TITLE —SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

##### SEC. 01. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly known as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

##### SEC. 02. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the "Special Committee").

##### SEC. 03. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;



(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

#### SEC. 04. COMPOSITION OF SPECIAL COMMITTEE.

##### (a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

##### (e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ½ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

#### SEC. 05. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investiga-

tion, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

#### SEC. 06. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

##### (c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

#### SEC. 07. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section 03 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section 03.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to

the committee or committees that have jurisdiction over the subject matter of the report.

#### SEC. 08. ADMINISTRATIVE PROVISIONS.

##### (a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

##### (2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

##### (b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

#### SEC. 09. TERMINATION.

The Special Committee shall terminate on February 28, 2007.

#### SEC. 10. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HURRICANE KATRINA

Mr. REED. Mr. President, I want to join my colleagues and all Americans in offering my condolences and my prayers to the residents of the gulf region. These families have suffered grievously. They have lost all of their possessions. They are without homes, without employment. We owe them a great deal of support and consideration, and, indeed, as I say again, all our prayers.

As news reports show, there are heroes throughout the gulf—those who helped neighbors survive the hurricane and those who continue to work in the region to help reunite families and restore order.

Americans throughout the Nation are opening their homes to hurricane survivors and volunteering their time and resources to meet the needs of evacuees. But while this disaster shows the best that America can offer, it also shows the worst. It shows that the Federal bureaucracy is ill prepared to respond to a natural catastrophe that we knew was possible. It shows the Federal bureaucracy ill prepared to respond to future potential disasters.

It shows a government so tied up in red tape that it is not serving its people at their time of need.

In the days, weeks, and months ahead, we will be investigating what went wrong, and there will be plenty of blame to pass around, but we cannot blame the victims of this tragedy as some have chosen to do. Many families in the gulf region did not have the resources or means to leave before Hurricane Katrina struck because this administration's economic policy favored tax cuts for the wealthy over programs that provide economic opportunities for all Americans. Over the last 3 years, poverty has risen in America and the real median income of workers stagnated. We must be willing to look honestly at how budget decisions and tax policy at Federal, State, and local level left New Orleans residents and other communities vulnerable to this tragedy. We must look honestly at how these policies continue to leave millions of Americans vulnerable across the Nation.

Hurricane Katrina demonstrated the economic, social, and racial divides that exists in America. As a Nation we must step back and evaluate our priorities. In my judgment, now is not the time to cut funding for social programs such as Medicaid, food stamps, and community development block grants while the administration pushes to repeal the estate tax. Now is not the time to continue to provide corporate tax breaks, while we must help rebuild a region in the midst of massive deficits as a result of the administration's policies. The damage to the national economy wrought by Hurricane

Katrina, the expense to rebuild, and the need to provide for low-income and working families in light of this disaster will add to our growing debt. We must prioritize and deal with the needs of the most vulnerable among us.

For decades, we have known that New Orleans is in harm's way. Senator LANDRIEU has often spoken passionately about the Federal Government's duty to help protect wetlands in order to safeguard coastal states. Yet, we continued to allow coastal wetlands to degrade and cut funding to vital programs to protect these natural buffers as well as man-made levees to protect New Orleans. The flood waters from the city of New Orleans must be drained in an expedient fashion. However, we must not ignore the environmental impact that these heavily contaminated waters will have on the long-term public and environmental health of the city.

The stagnant waters engulfing New Orleans for the past week contain a myriad of contaminants, including human waste, oil, and even dead bodies. This toxic mixing bowl is rife with disease and harmful chemicals. We are facing a potential ecological disaster as these flood waters continue to be dumped into the surrounding area, and I am greatly concerned that the impact will be seen for years to come. New Orleans is surrounded by Lake Pontchartrain, the Mississippi River, and many precious wetlands. All of these bodies of water drain directly into the Gulf of Mexico.

Now is the time not only to evaluate, but also to act to prevent further ecological damage in the region. More must be done to ensure that while we are clearing the city of New Orleans from this devastating flood, we are also working toward its future rejuvenation.

Our primary focus must be on getting rid of the red tape and getting aid and assistance to those displaced by Hurricane Katrina. But we must also begin to ask how did this happen. The only way to do that effectively and apolitically is to have an independent commission to investigate the long-term impact of Hurricane Katrina on the people of the gulf region and on our Federal Government's response to this disaster as well as our ability to respond to future events. The bicameral commission announced yesterday by the Majority Leader and the Speaker is not the answer. Having the President head up a task force to investigate his Administration's response is not sufficient. The only way the people of the gulf region and the people of America will get the answers that they deserve is through an independent commission.

I also support efforts to restore the Federal Emergency Management Agency, FEMA, to an independent, cabinet-level agency to ensure its effectiveness in preparing for and responding to these types of events. FEMA's director must have the qualifications and abilities to plan for, respond to, and assist

in the recovery after such an emergency. We must do better.

As the recovery efforts for the victims of Hurricane Katrina continue, we must stand beside the survivors to provide relief and assistance for their immediate needs now. For this reason, I am cosponsoring Senator REID's Katrina Emergency Relief Act, which will help get these families by providing medical coverage, housing the homeless, educating children, and offering financial assistance.

Hurricane Katrina upset the lives of millions, displacing families from their homes and inflicting severe economic damage. Neighborhoods that were once called home are now wastelands, and people are concerned their lives may never be the same. The economic impacts are being felt by low-income and working American families throughout the nation. Indeed, there is an imminent emergency confronting millions of low-income Americans caused by soaring energy cost and diminishing affordability of home heating fuel as winter approaches. The administration cannot ignore this looming crisis. The administration must request emergency funding for the Low Income Home Energy Assistance Program so that these families can remain safe this winter. I also encourage the administration, and my colleagues, to support greater investment in energy conservation programs such as the Weatherization Assistance Program and the State Energy Program to help families.

In one way, Hurricane Katrina holds parallels to other situations. We could have anticipated this phenomenon. The reports of the class V hurricane were available to all Federal officials, State officials, and local officials. We knew the levees in New Orleans were not designed to withstand anything more than a class III. Yet we were not ready. This administration ignored what should have been obvious. We had to be ready for a severe hurricane with devastating consequences in New Orleans. This administration was not.

This also speaks to what may happen in the future. This should give Americans pause if they think about another natural disaster and, God forbid, perhaps an intentional mass-casualty effect in the United States. If we bring this same level of expertise and skill and insight, then we surely will see another major disaster on our hands. I hope we do not. That is why it is important to look carefully and closely at what transpired and to do so through an independent commission. I hope we learn from this and apply it to the future, but most particularly, I hope we give real, immediate, and effective support to hundreds of thousands, perhaps even a million Americans who tonight still endure the devastation of Hurricane Katrina.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to engage in a colloquy with the

chairman and ranking member of the Subcommittee on Commerce, Justice and Science on funding for SCAAP, the State Criminal Alien Assistance Program. I also understand my colleague from Texas, Senator HUTCHISON, would also like to discuss the importance of this program to her State.

I begin by thanking the chairman, Chairman SHELBY, and the ranking member, Senator MIKULSKI, for including \$200 million in funding for this program, with a carve-out of \$30 million for the Southwest Border Prosecution Program. That is good. The problem is, it is not enough. With the rising costs associated with criminal alien incarceration, I had hoped the Senate would see fit to increase the funding for this program over last year's allocation of \$305 million. Instead, it is down to \$200 million, with \$30 million reserved for the prosecutor's program.

Immigration policy and control of our borders is an exclusively Federal responsibility. We all know this. Yet in our State prisons and our county jails, there is an incurrence of very heavy costs in incarcerating undocumented criminal aliens. Taxpayers should not have to foot the bill for incarcerating illegal aliens convicted of criminal offenses who are in State and local jails.

There is a growing belief among many in this country that the immigration situation is out of control. This year, the Pew Hispanic Center released a study which shows that between 2000 and 2004, approximately 3.1 million individuals entered the country without proper authorization. That is approximately 700,000 a year. Compare that to the fact that in 2003, Border Patrol agents apprehended somewhat over 1 million individuals seeking to enter the country illegally. It is said that for every one individual caught, three more enter illegally. If that is the case, nearly 3 million seek to enter the country illegally in a given year.

These costs are borne by our local educators, our hospitals, and our law enforcement officials. Let me use California as an example. This is based on a comprehensive study conducted by the Department of Finance. They estimate—and this goes back to costs in 1994–1995—\$400 million for corrections for 23,000 individuals; \$400 million for 390,000 patients; and \$1.7 billion for K–12 education. That is a total of \$2.5 billion.

Mr. REID. Will the Senator yield?

Mrs. FEINSTEIN. Certainly.

Mr. REID. We have a unanimous consent request to be offered on the emergency supplemental. We will return as soon as this is offered.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—H.R. 3673

Mr. FRIST. We will be very brief. I appreciate the consideration of the distinguished Senator from California.

Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 3673, the supplemental appropriations

bill from the House, with 90 minutes of debate equally divided, with 30 minutes from the majority side under the control of Senator COBURN, with no amendments being in order. I further ask consent that following the use or yielding back of the time, the bill be read a third time and the Senate proceed to a vote on passage without any intervening action or debate.

Let me modify this. We will proceed to the immediate consideration of H.R. 3673 immediately following the statement by the Senator from California and the Senator from Texas.

Mr. REID. Reserving the right to object, I am wondering if the two distinguished Senators from California and Texas could give us an indication—there are Members wanting to know when we will vote—as to how much time they will require.

Mrs. FEINSTEIN. I have a very short time. We will wrap this up in 10 minutes.

Mrs. HUTCHISON. I am happy for you to start the time running right now and give us the first 5 minutes to finish this colloquy.

Mr. REID. Mr. President, if I could, on the Democratic side the time will be divided in the following manner: Senator BYRD, 15 minutes; Senator REID of Nevada, 10 minutes; Senator KENNEDY, 5 minutes; Senator DURBIN, 5 minutes; and Senator CLINTON, 10 minutes. That uses our 45 minutes.

Mr. FRIST. Mr. President, I ask the unanimous consent request as propounded follow the completion of the statement by the Senator from California and the Senator from Texas.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the majority leader and the Democratic leader.

To give a couple of recent statistics, the General Accountability Office conducted a study of those criminal aliens incarcerated in Federal, State, and local prisons. They found the following regarding State jails: In fiscal year 2003, 47 States received reimbursement for incarcerating 74,000 criminal aliens. Four States alone spent a total of \$1.6 billion in fiscal years 2002 and 2003 to incarcerate criminal aliens. Yet they were only reimbursed \$233 million through this program. That is only 15 percent of the total spent by these States. So the Federal Government is only reimbursing States 15 percent of what they actually spend on incarceration costs. That is local costs, that is State costs.

I can go on, but I want my colleagues to understand that the diversion of dollars from agencies such as the Los Angeles County Sheriff's Department to house criminal aliens has real operational impact on their law enforcement activities—fighting drugs, street gangs, and other pressing law enforcement operations.

On March 17 of this year, the Senate agreed to a sense-of-the-Senate amend-

ment to the budget resolution that SCAAP should be appropriated at a level of \$750 million. While I recognize we cannot reach that number, the House bill does provide \$405 million for this program. As this bill moves forward, I hope we will agree to the House funding level in conference. I ask the chairman and the ranking member to work with us on this issue.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my good friend and colleague from California, Senator FEINSTEIN, for bringing this issue forward again. She has been dedicated to SCAAP funding.

I want to also mention Senator JON KYL from Arizona who has always stepped in when we had an appropriations bill to make sure our States got some reimbursement for their costs of incarcerating illegal aliens. Unfortunately, as Senator FEINSTEIN has said, we have more and more illegal aliens coming into our country and, unfortunately, committing crimes.

This is a Federal responsibility. The counties along the border States should not have to fund what is a Federal responsibility. Incarcerating illegal aliens for criminal activities is absolutely a Federal responsibility. So I join my colleague, Senator FEINSTEIN, in urging the chairman and ranking member of this subcommittee to accept the House position when we go to conference. Mr. President, \$200 million does not cover a 10th of the cost to the border States in reimbursing them for the incarceration of criminal aliens. And \$400 million goes a much longer way. I think it is a minimum.

All of us realize that illegal immigration must be stopped in our country. We must know who is in our country for security purposes, and we must be able to deport or incarcerate people who are here illegally and commit crimes in our country.

I hope the committee chairman and ranking member will work with us to increase the number from the Senate position of \$200 million to the House position of \$400 million, at a minimum. I thank the Senator from California for bringing this forward once again.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Texas. I also acknowledge as well Senator KYL's work in this area. It seems to me those of us from the Southwest or whose borders are in the Southwest have been beating this drum year after year. Sometimes we make a little bit of progress, but very often we do not. This is a very bad year in terms of the amount and the need.

So I thank the distinguished chairman of the Military Construction Subcommittee. I always appreciate working with her, and this is one more instance of that.

Mr. President, I yield the floor.

# MAKING FURTHER EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will consider H.R. 3673, which the clerk will report by title.

The legislative clerk read as follows: A bill (H.R. 3673) making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I yield myself time as necessary for my statement.

Mr. President, we do turn to the second supplemental—the second supplemental in a week and a half—to address the natural disaster we have watched unfold, and that has literally unfolded in several ways, which is continuing now with both continued recovery and people settling around this country.

Yesterday, Speaker HASTERT and I announced the formation of a bicameral and bipartisan committee to analyze and conduct a real top-to-bottom investigation of the emergency preparation and response to Hurricane Katrina. The committee will be made up of senior Members. They will report their findings no later than February 15.

The review will look at the emergency plans that were in place at the local, State, and Federal levels, and they will assess how the local, State, and Federal governments actually responded.

It is clear that in some places the response was simply unacceptable at all levels of breakdown in systems. I saw it this weekend firsthand as a medical volunteer: too little command-and-control structure, too little communication. America deserves better. America deserves answers. The Senate must do all it can—and we are doing all we can right now—to provide immediate relief for the hundreds of thousands of people stranded and shattered by last week's events.

We urgently need to pass a second disaster relief supplemental, and we will do that tonight, with no amendments, no delay. It is absolutely critical.

Last Thursday's \$10.5 billion emergency package has been drained—totally drained. As of midnight tonight, all of the money will have been spent. And it is good. It shows a positive, rapid, quick response on behalf of our Federal Government. But it means we must act; thus this supplemental bill we will be voting on here in about 90 minutes.

If we were to fail to act, every relief that is going on right this very moment, every search-and-rescue operation, all of the emergency food that is being delivered, and the shelter that is being provided, and the medical care that is being extended, will be without money when the sun rises tomorrow.

The administration has requested \$51.8 billion in this supplemental. That breaks down to \$50 billion for FEMA, \$1.4 billion for the Defense Department, and \$400 million for the Army Corps of Engineers.

We need to pass this bill and get it to the President for his signature tonight. Tens of thousands of volunteers, relief workers, law enforcement and military personnel are working right now, this very minute, to provide aid, rescue, and recovery.

National guardsmen are going block by submerged block to carry out their rescues.

The Army Corps of Engineers is hard at work pumping the floodwaters out of New Orleans. The water level, happily, has already gone down by 40 percent. They estimate it will take another 2½ months to completely drain the city.

Right now, 60,000 U.S. military forces are on the ground in Alabama, Louisiana, and Mississippi, aiding the recovery. They are providing extensive search and rescue, evacuation, and medical support.

Twenty-seven Navy and Coast Guard ships are stationed off the gulf coast providing supplies and medical treatment.

FEMA is working around the clock to find temporary homes for the thousands of displaced families. They are exhausting every option, including military bases, cruise ships, emergency trailers, vacant properties, and motels.

All of these efforts are underway, and they must continue. The lives of hundreds of thousands of people are at stake.

Meanwhile, there is still a lot of work to do, and we are working around the clock to do it here in the Senate.

Today, we began consideration of the Commerce, Justice, Science appropriations bill, which includes critical support for recovery and rebuilding efforts. It provides funding for the disaster loan program administered by the Small Business Administration. It provides grants to State and local authorities, including law enforcement, for critical equipment such as satellite phones, which are especially critical right now where communication is spotty and, in places, where sometimes communication is even nonexistent.

The Commerce bill also supports the National Oceanic and Atmospheric Administration, NOAA. NOAA is responsible, as we all know, for researching, forecasting, monitoring, and warning the public of hurricanes such as Hurricane Katrina.

Clearly, we need to pass this bill. We also need to cut the redtape and bureaucracy that gets in the way of helping people, the redtape and bureaucracy we have heard again and again slowing the response at every level.

In the coming days and weeks we will take up legislation that streamlines the system and gets help to the people who need it on time, efficiently and quickly.

As we have seen over the past 12 days, America is a compassionate, generous Nation. People from all over have poured out their hearts, time, and resources to help their neighbors on the gulf coast. Private citizens and businesses have donated hundreds of millions of dollars. Relief organizations and faith-based organizations are on the front lines every day working valiantly to provide material and spiritual assistance.

Here in the Senate, we cleared a resolution last night allowing noncash Katrina assistance to be solicited and donated among our Senate employees.

Americans from all across this country and in all walks of life are offering hope and love and compassion. It is a testament to our Nation's strength and to our historic bond as citizens, as Americans.

Hurricane Katrina now stands as the worst natural disaster in our Nation's history. It is a tragedy of epic proportions. But there is hope and there is determination.

The gulf coast will recover and rebuild and emerge more modern and more prosperous than ever. It is going to be a massive effort. It will take all of our strength and all of our determination. But this is America, and in America no challenge is too great. We rebuilt Chicago. We rebuilt San Francisco. New Orleans, Biloxi, Mobile, and the entire coast will rise again bigger, stronger, and better than ever.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, Senators are aware that the bill that has come over from the House carries additional appropriations for the Department of Homeland Security for disaster relief in the amount of \$50 billion; and for the Department of Defense, \$1.4 billion; and for the U.S. Army Corps of Engineers, \$400 million.

The House has adopted this measure, and now we are hopeful the Senate will act tonight so these funds will be made available immediately to the agencies that are carrying out the disaster relief efforts in the States affected by Hurricane Katrina.

This is a destructive force of monumental proportions, the most widespread destruction in my State from any natural disaster in history. So the relief being provided now by the Federal Government agencies is very meaningful and deeply appreciated. So are the voluntary contributions that are being made by Americans who are freely, and in a heartfelt way, giving what they can to help those who are less fortunate.

Senators are volunteering personal assistance. The Senator from Illinois, BARACK OBAMA, is organizing a team of doctors to come to Mississippi to provide emergency medical care for those who are still in need of that care. Medicines are being brought with those physicians to be administered to those who